

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.**

**Crl. Misc. No.M-30176 of 2017 (O&M)  
Date of Decision: August 21, 2017**

Manender

**.....PETITIONER(s).**

**VERSUS**

Ram Niwas @ Mannu and another

**...RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Jitender Dhanda, Advocate  
for the petitioner (s).

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439(2) Code of Criminal Procedure for cancellation of regular bail to respondent No.1 granted by the Additional Sessions Judge, Rohtak vide order dated 28.04.2017 in case FIR No. 726 dated 13.12.2016 registered for the offences punishable under Sections 148, 302, 323 read with Section 149 of Indian Penal Code at Police Station Kalanaur, District Rohtak.

Heard.

As per case of prosecution, neither the complainant nor the eye witnesses attributed any specific role to respondent No. 1 in causing injuries to complainant or his father. As per the version in the FIR, respondent No. 1-Ram Niwas was present at the spot but was not armed with any weapon. Looking into all theses facts and circumstances, learned Court below allowed regular bail to respondent No.1, vide order dated 28.04.2017.

Learned counsel for the petitioner-complainant has argued that respondent No. 1-Ram Niwas was a member of unlawful assembly which caused injuries on the person of complainant and when father of the complainant intervened, he was also caused injuries by accused Gurjeet Singh, who gave him a *Jailly* blow. Father of the complainant died due to injuries suffered by him. During investigation, the police has exonerated Gurjeet Singh. The Court below has committed error by extending benefit of bail to respondent No. 1 as all the members of unlawful assembly are liable for the injuries suffered by complainant and his father and are also liable for the murder of father of petitioner-complainant.

On perusal of the version in the FIR, it transpires that the occurrence initially took place with complainant and his father had come to the spot at later stage. Respondent No.1 has neither been attributed any injury to the complainant or his father. Looking into all these fact, the Court below has extended the benefit of regular bail to respondent No. 1. I find no reason to cancel of the bail of respondent No. 1-Ram Niwas. This petition has no merits.

Dismissed.

**August 21, 2017**  
*Jyoti-II*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***