

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

CRM-M No.46475 of 2016  
Date of Decision: 21.03.2017

BIJENDER @ MOTA

-PETITIONER

VS

STATE OF HARYANA

-RESPONDENT

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Naveen Singh Panwar, Advocate  
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

**RAJ MOHAN SINGH, J. (ORAL)**

Petitioner seeks regular bail in case bearing FIR No.42 dated 24.01.2015 under Sections 323, 343, 307, 506, 34 IPC registered at Police Station Kundli, Sonapat.

The FIR came to be registered at the instance of complainant Krishan Kumar, who alleged that on 17.01.2015, there was a quarrel between his friend and one Rahul. His friend Ajay called him. When he reached the place of occurrence, elder brother of Ajay i.e. Vinod had also reached the spot. On the next day, there was a compromise between the parties. On 20.01.2015, when the complainant had gone for a walk, 7-8 persons abducted him in a white vehicle and they gave beatings to him and also tried to kill him by putting a rope around his neck. They also tied his hands and mouth. They kept

on giving beatings to the complainant continuously and also gave burn injuries on his body by cigarette. The complainant came to know about the names of two persons i.e. Lokesh and Sanjay residents of Tajpur. With these allegations, the FIR came to be registered.

The complainant was recovered on 23.01.2015. The police got him examined in the hospital and recorded DDR on 23.01.2015. Thereafter, on 02.02.2015, a supplementary statement was made by the complainant in which he attributed overt act to the petitioner.

Learned counsel for the petitioner contended that the petitioner was not named in the FIR and no overt act was attributed therein. Out of total 23 witnesses, 4 material witnesses have already been examined including the complainant. The complainant while appearing as PW2 has disclosed that Choti, Monu, Mota, Sumit and Chicho were present at the back of the school and altercation took place between Sumit and Chicho. The quarrel was sorted out and thereafter, Chicho, Sumit and Naveen had left the spot. The complainant also wanted to leave the place but the accused restrained him. Choti, Monu and Mota gave beatings to him by wooden logs. They took the complainant in a van and tied in the Ghair of Mona. They gave burn injuries on the person of the

complainant and kept on beating him.

Learned counsel further contended that there is a drastic variation in the stand of the complainant from FIR.

Learned State counsel on instructions from SI Naresh Kumar submitted that 05.04.2017 is the date fixed for remaining prosecution witnesses.

The complicity of the petitioner has come to fore in the supplementary statement given by the complainant on 02.02.2015 as well as while appearing as PW2 in the Court.

At this stage, without meaning anything on merits of the case and looking to the period of custody of the petitioner since 23.05.2015, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

21.03.2017  
*jyoti Y.*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No