

210-2

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

CRM-M No.16395 of 2018
Date of Decision: 30.04.2018

Ishant @ Vicky

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarun Dhingra, Advocate
for the petitioner.

Mr. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.1089 dated 16.12.2017, registered under Sections 148, 149, 323, 324, 506 IPC (Section 326 IPC added later on) at Police Station City Thanesar, District Kurukshetra.

2. As per allegations in the FIR, complainant used to run a DJ shop. On 07.12.2017, Vinod Pandit and Cheema gave beatings to the younger brother of the complainant after consuming liquor. A complaint has already been filed by the complainant party in this regard in the police station. Further allegations are that in order to pressurize complainant party for withdrawal of the said complaint, accused party was giving

threats. On 08.12.2017, Vinod Pandit and Cheema opened attack on the complainant party. Vinod Pandit @ Bonny was armed with gandasi, Cheema was armed with sword, Vikki, Shaikki and Mohit were armed with wooden spade handles. All the aforesaid persons inflicted injuries on the person of complainant with their respective weapons. Vinod Pandit gave reverse side blow of gandasi on the right eyebrow of the complainant. Complainant fell down. Thereafter, Cheema, Vicky, Harry, Shanky and Mohit gave injuries to the complainant.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR nor any overt act was attributed to the petitioner.

4. Learned State counsel on instructions from ASI Subhash Chander submits that infact name of Harry was given by the complainant but later on complicity of the petitioner came to be known by the complainant. Infact Harry is brother of the petitioner. Challan has already been presented. Charges have not yet been framed.

5. Co-accused namely Mohit has already been granted regular bail by this Court in CRM-M No.14642 of 2018 vide order dated 19.04.2018.

6. Looking to the allegations, the case of the petitioner cannot be segregated from the role attributed to Mohit as all the remaining accused except Vinod Pandit inflicted blows with their

respective weapons on the complainant.

7. Office is triable by Magistrate.

8. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

30.04.2018
 jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No