

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

(1) **CRM-M-19329-2018**

Anil and others

...Petitioners

Versus

State of Haryana

...Respondent

(2) **CRM-M-18457-2018**

Siya @ Siya Ram

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-31.5.2018

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.S. Dhull, Advocate
for the petitioners.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

By this order, I intend to dispose of two petitions i.e. **CRM-M-19329-2018** filed by petitioners - Anil, Narender alias Kala and Sunil and **CRM-M-18457-2018** filed by petitioner Siya @ Siya Ram, who are accused in FIR No.135 dated 28.3.2018, under Sections 148, 149, 323, 342, 365, 506 IPC and Section 25 of Arms Act, registered at Police Station Hansi City, District Hansi for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are

that FIR in this case was registered at the instance of complainant - Naveen son of Raj Kumar of Jaat community, resident of Singwa Raghav, aged about 22 years, who in his statement made to the police narrated that on 27.3.2018 at about 2:30 p.m. when he along with Narian had boarded a private bus for going home and the bus had reached bye-pass, Barwala Road Bridge, then a Cruiser vehicle came there having 12-13 occupants, which included Kala, Siya, Anil, Sunil, Ram Karan and Sita Ram; that the bus was got stopped and those persons started checking their tickets; that one of them identified the complainant and his friend Narian stating that they were the same boys, who had got an apology tendered from them earlier and they were travelling without ticket, as such the complainant and Narian were made to alight from the bus, made to sit in Cruiser vehicle, taken to the fields at Rohtak Road, given slaps, fist blows and danda blows; that two of the boys were having pistols and they hit complainant and Narian with butts of those pistols; thereafter, the complainant and Narian were again given beatings and they were warned that in case they were found travelling in the buses belonged to them, then they would be eliminated; that after some time, Ramesh Bamal, who was having one arm came and gave slaps to complainant and Narian; thereafter, both of them were made to sit in a vehicle and left near Jind Chowk, Hansi. The injured were taken to hospital and were medically examined. Then on statement of complainant Naveen, FIR was registered. The investigation in the case was started. All the petitioners/accused were arrested in this case. They had moved an application for regular bail in the Court of Sessions, however, the same was dismissed by learned

Additional Sessions Judge, Hisar, as such they have approached this Court by way of filing these petitions asking for the similar relief, notice of which has been issued to the respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petiteness has argued that it was a dispute between boys and FIR on wrong assertions had been got recorded but the matter has since been compromised between the parties; that the complainant Naveen has furnished an affidavit in that regard.

As matter of fact the complainant Naveen is present in the Court as identified by Sh.Shaukin Verma, Advocate. He has admitted the factum of compromise between the parties stating that he has no objection, if the petitioners are granted regular bail. A perusal of custody certificates filed by the State counsel goes to show that petitioner Siya Ram is behind bars for 1 month and 22 days, Anil for 1 month and 21 days, Narender @ Kala for 1 month and 21 days and Sunil for 1 month and 21 days. The petitioners are not shown to be involved in any other criminal case. The guilt of the accused shall be determined during the trial, the conclusion of which is likely to take some time.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

Accordingly, the petitions are allowed. The petitioners namely Anil, Narender alias Kala, Sunil and Siya @ Siya Ram are ordered to be released on bail during the pendency of the trial, subject to

their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Hisar, on following conditions:

- (i) they shall appear in the Court on each and every date of hearing;
- (ii) they shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) they shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The petitions stand allowed accordingly.

31.5.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No