

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

**CRM-M No.25330 of 2018 (O&M)**

**Decided on: 04.07.2018**

Rakesh @ Raka

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Sumit Sangwan, Advocate  
for the petitioner.

Mr. Praveen Aggarwal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

**CRM No.21464 of 2018**

Heard.

Allowed as prayed for.

**CRM-M No.25330 of 2018**

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.52 dated 25.03.2018, for offence punishable under Sections 147, 148, 149, 323, 341, 365, 367, 506 of the Indian Penal Code (in short 'IPC') (Section 379-B IPC and Arms Act stands deleted and Section 367 IPC has been added during investigation), registered at Police Station Loharu, District Bhiwani.

Counsel for the petitioner has submitted that as per the allegation in the FIR on 23.03.2018, the complainant made a statement that he along with his brother Satender were on their way to home and when they reached near a petrol pump at about 06:30 pm, a white

colour car intercepted their vehicle and the petitioner along with his brother got down from the car and Rakesh pointed a pistol at him and his brother and thereafter, the petitioner and his friends caused injuries to both of them and the accused while leaving their vehicle took Rs.5,000/- from his pocket.

Counsel for the petitioner has further submitted that during the investigation, the police has already deleted the Arms Act as well as Section 379-B IPC and challan qua the petitioner has been submitted before the Illaqa Magistrate and the petitioner is no more required for any further investigation. It is further submitted that the motive for involving the petitioner is on account of some old civil litigation pending between the petitioner and the complainant. It is also submitted that the petitioner is not involved in any other case and he is the first offender. It is further argued that the petitioner is in judicial lock up since 14.04.2018 and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Shri Niwas, has not disputed the fact that while submitting the report under Section 173 Cr.P.C., Section 379-B IPC and the Arms Act were deleted. It is also not disputed that the petitioner is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the investigation is complete; the petitioner is not required for any further investigation; there were civil litigation pending between the parties; the petitioner is in judicial lock up since 14.04.2018; he is the first offender and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed

to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

04.07.2018  
*yakub*

(ARVIND SINGH SANGWAN)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |