

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

**CRM-M-25940-2018
Date of decision: 05.07.2018**

Monu alias Mona

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Virk, Advocate
for the petitioner.

Mr. Vikrant T. Pamboo, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 296 dated 26.12.2017, registered under Sections 326/365/370/506/120-B of the IPC at Police Station Sadar, Panipat.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant-Meena has stated that Naveen, aged about 17 years, is her son and he used to play role of Radha Krishan in *Jagaran* parties and on that account he was known to petitioner. It is further alleged in the FIR that in the month of April, 2017, her son received some internal injuries on his private parts in an accident while riding scooter and got treatment from a private hospital at Panipat and thereafter he rejoined the said *Jagaran* party. It is further alleged in the FIR that since victim Naveen was having pain while dancing in the *Jagaran* party, the petitioner took him to one *Hakeem* in Uttar Pradesh for his treatment and on 10.08.2017, the petitioner, along with other co-accused, got the private part

of Naveen amputated and further extended threats to him that he should not disclose this fact to anybody.

Learned counsel for the petitioner further submits that the petitioner was arrested on 26.12.2017 and he is in judicial custody. He further submits that complainant Meena, victim Naveen and Vijay, father of the victim, while appearing as PW-1, PW-2 and PW-3 respectively, have not supported the prosecution version and even PW-2 Naveen has refused to identify the petitioner and another co-accused in the Court while making deposition. Consequently, all these three witnesses were declared hostile.

Learned counsel for the petitioner further submits that during the course of investigation, the police has recovered certain instruments vide which the amputation of this victim was done by one co-accused Hashim @ Bablu Khan and the said co-accused has already been granted concession of regular bail, vide order dated 25.06.2018, passed by the Additional Sessions Judge, Panipat on the ground that the complainant, victim and two more witnesses have not supported the prosecution version and they were declared hostile and the said accused was in judicial custody since 03.01.2018.

Learned State counsel, on instructions from ASI Patwinder Singh, has not disputed the factual position and submitted that out of total 15 prosecution witnesses, 11 witnesses are yet to be examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the material witnesses have not supported the prosecution version; the petitioner is in judicial custody since 26.12.2017; co-accused has already been granted concession of regular bail and in view of the fact

that 11 more prosecution witnesses are yet to be examined; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

July 05, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No