

**S.No.223**

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

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**CRM-M-47657 of 2018 (O&M)  
Date of Decision:01.11.2018**

**Joginder @ Lala               .....Petitioner  
Vs.  
State of Haryana           .....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Keshav Pratap Singh, Advocate  
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Manmohan Kaur, Advocate for  
the complainant.

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**Rajbir Sehrawat, J.(Oral)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.105 dated 25.03.2018 registered under Sections 148, 149, 307, 323, 326, 325, 427, 506 IPC and Section 3 of SC/ST Act, 1989 (Section 326 dropped in the challan and Sections 25, 84, 59 of Arms Act, 1959 added later on)at Police Station City Sohna, District Gurugram.

Counsel for the petitioner submits that although allegations in the FIR against the petitioner was that the petitioner fired gun shot, which had not hit anybody. However, in a version subsequently changed, on the basis of some alleged CCTV Footage, the petitioner is alleged to have caused danda blows to some persons including the seriously injured person Kirpal Singh. The recovery from the petitioner is also of danda only. As per the ultimate version of the Police, it is Amit and Yogesh, who are

alleged to be having guns. It is further contended that although the allegation is of injuries being caused by a mob, of which the petitioner is alleged to be a part, only the petitioner has been arrested in this case. He is in custody since July, 2018. Challan against him has already been filed. He is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Rajender Singh, does not dispute the fact that in the ultimate version of the Police, gun is not attributed to the present petitioner. He is alleged to have caused injuries with danda. However, counsel for State has submitted that since one person is grievously injured in this mob attack, therefore, the petitioner do not deserve to be released on bail.

Learned counsel appearing for the complainant submits that at this stage, the petitioner do not deserve to be released on bail because although several persons are named by the complainant, but only the petitioner has been arrested in this case. Therefore, it is contended that till other persons are arrested, the petitioner be not granted the concession of bail.

However, this Court does not find substance in the argument that since the other persons have not been arrested, therefore, the petitioner should be denied the bail pending trial. So far as the allegation against the petitioner are concerned, even that has been changed even by the prosecution which has been turned down to danda blow instead of the gun fires. Since the petitioner is not required for any investigation purposes, therefore, it would not be of any use to keep the petitioner in custody.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 01, 2018  
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( RAJBIR SEHRAWAT )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |