

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

**Criminal Misc. No. M-895 of 2019
Date of decision: 21.02.2019**

Parveen and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. J.P. Jangu, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana
for the respondent -State.

Daya Chaudhary, J.

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of regular bail to them in case FIR No.650 dated 02.10.2018 registered under Sections 147, 149, 323, 341, 342, 365, 367, 506 IPC at Police Station City Bhiwani, District Bhiwani.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case. The petitioners and complainant are of the same age group and are students of same coaching academy. There was minor scuffle between the boys and it was not a case of kidnapping. No offence is made out under Sections 365 and 367 IPC. The alleged incident took place on 28.09.2018 whereas the matter was reported to the Police on 01.10.2018 and FIR was registered on 02.10.2018. Learned counsel further submits that there is an unexplained delay of three days in lodging of the FIR. Even the medical examination of the complainant was got conducted on 01.10.2018 i.e. after a period of three days of alleged

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occurrence. As per MLR, there are three injuries on the person of the complainant and all are simple in nature. The incident occurred at a public place but no independent witness was joined. Learned counsel also submits that co-accused of the petitioners, namely, Rajnesh Kumar, has been released on interim bail by this Court vide order dated 18.12.2018 passed in CRM-M No.55837 of 2018. Another co-accused, namely, Jaswinder @ Jassu has been released on regular bail by this Court vide order dated 24.01.2019 passed in CRM-M No.2096 of 2019. At the end, learned counsel for the petitioners submits that the petitioners are ready to abide by all terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel has opposed grant of regular bail to the petitioners on the ground that the petitioners were members of unlawful assembly and all the accused assembled with common intention and abducted complainant-Deepak with an intention to confine him wrongfully and to cause grievous hurt. Not only the accused persons caused injuries but threatened the complainant to death. Learned State counsel further submits that the custody period is also very less as the petitioners are in custody since 02.10.2018. Learned State counsel also submits that the petitioners may influence the witnesses in case, they are released on regular bail.

Heard arguments of learned counsel for the petitioners as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

As per allegations levelled in the FIR, complainant-Deepak was de-boarded by the petitioners and other accused from a running bus and thereafter, they committed the offence by taking him to a room. The

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petitioners were specifically named in the FIR and specific role has been attributed to them. Some of the accused still remain to be arrested. Allegations of giving beatings are against accused Parveen, Leela and Manjeet. The complainant was medico-legally examined. Three injuries were found on the person of the complainant and the same have been attributed to said three accused. The petitioners cannot claim parity with his co-accused Jaswinder @ Jassu, who has been released on regular bail by this Court.

Keeping in view the role of the petitioners and the custody period, no ground is made out to release the petitioners on regular bail.

Dismissed.

21.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No