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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22043-2019

Date of decision-22.05.2019

Gaurav @ Pachi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Ramesh Kumar.

MANOJ BAJAJ, J.

Petitioner-Gaurav @ Pachi has prayed for grant of regular bail in case FIR No.100 dated 27.04.2018 under Sections 323 and 506 read with Section 34 of Indian Penal Code (Sections 148, 149 and 302 IPC added later on) registered at Police Station Bhattu Kalan, District Fatehabad, Haryana. The petitioner is in custody since his arrest on 10.05.2018.

The FIR was recorded on the statement of Indra wife of Naurang Lal wherein she stated that her son Pawan had gone to purchase some household articles at bus-stand Dhingsara and when he did not return, she went to the bus-stand Dhingsara to find him. Upon reaching there she saw Shiv Kumar s/o Jai Kishan alongwith 2-3 other boys were giving beatings to her son with Dandas. Upon raising noise the assailants ran away and she took her son to hospital. On these allegations the FIR was registered

for the offences punishable under Sections 323, 34, 506 IPC (Sections 148, 149, 302 IPC added later on).

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. It is contended that as per the version of the complainant, Shiv Kumar was accompanied by 2-3 persons. However, the police has filed challan against 8 accused persons. He has further referred to the testimony of complainant recorded by the trial Court as PW-1, wherein it is stated by complainant that four persons caused injuries to her son and only Shiv Kumar was named. Learned counsel for the petitioner further contends that the case of the petitioner is at par with his co-accused Sunny @ Sudama who has already been granted the concession of regular bail by this Court vide order dated 28.03.2019 (Annexure P-8).

On the other hand, learned State counsel assisted by ASI Ramesh Kumar opposed the bail application on the ground that the offences are serious in nature and petitioner has participated in the crime. He further submits that the danda recovered at the instance of the petitioner was found to be blood stained. However, it is not disputed that before the Court, the complainant had stated that there were four assailants and named one Shiv Kumar.

Considering the above background and the stage of the trial which is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to

his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Fatehabad.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.05.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No