

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

**CRM-M No. 25327 of 2019
Date of Decision:-17.07.2019**

Neeraj and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. S.S. Mor, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioners Neeraj, Manoj and Rajat alias Dhara have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.77 dated 19.3.2019, under Sections 186, 332 (wrongly typed as 323 IPC), 353, 307 IPC read with Section 34 IPC, registered at Police Station Sector 6, Bahadurgarh, District Jhajjar.

The FIR was registered on the statement of HC Krishan Kumar. As per FIR, on 18.3.2019 complainant HC Krishan Kumar alongwith Constable Sandeep in civil dress was present at Bridge No.3, Sector 6, Bahadurgarh for investigation of crime, when he got an information that three young boys with criminal intention were present in a car near Krishna Hotel. Thereafter, they reached at the spot and after giving their identity, asked the

occupants of the car for search of the vehicle. After hearing this, all the occupants of the car came outside with stepony and iron rod in their hands and suddenly by giving threat one of the boy hit the complainant with stepony from behind and the boy, who was talking with complainant also gave an iron blow on his head. When the complainant fell down, all the boys, attacked on Constable Sandeep with their respective weapons. When the people, who were present in Krishna Hotel, came to rescue them, all the three culprits sat in their car and one of them said to the other who was driving, to ride the car upon complainant and Sandeep. The driver of the car also tried to ran over the car on them, but the complainant and Sandeep saved with a narrow difference. On these allegations, the FIR was registered against the accused persons.

Learned counsel for the petitioner contends that as per FIR the accused persons had caused injuries to two persons, namely, Krishan Kumar and Sandeep. According to him, the offence punishable under Section 307 IPC has been added illegally without there being any material. He further contends that the investigation is complete and the challan has already been filed. The charges have also been framed on 24.4.2019. It is further contended that the trial will take a sufficient time in its conclusion and no useful purpose would be served by putting the petitioners behind the bar.

On the other hand, learned State counsel, who is assisted by ASI Raj Kumar opposed the bail application on the ground that the injuries suffered by complainant HC Krishan Kumar were grievous. However, Section 307 IPC was added on the ground that the petitioners while running

away, tried to run over the car upon the victims.

At this stage, learned counsel for the petitioners contends that since the victims are the police officials, the offence under Section 307 IPC was added to make it grievous.

Considering the above and the fact that the trial is likely to consume some time, no useful purpose will be served by detaining the petitioners any further in custody. Resultantly, without commenting anything upon merits of the case, the petitioners are ordered to be released on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 17, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No