

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30430-2019 (O&M)
Date of Decision:- 25.7.2019

Naseeb @ Raka ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Depak Vashishth, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.82 dated 25.4.2019 registered at Police Station Uchana, District Jind under Sections 148, 149, 323, 341, 365 and 506 of Indian Penal Code, 1860 and Section 3(1)(s) and 3(2)(va) of SC/ST Act.
2. The FIR was registered at the instance of Rohtash, wherein it has been alleged that on the day of occurrence i.e. on 22.4.2019 when he along with Hoshiara Dhanda and Satya Narain were going on a

motorcycle, then a 'Safari' vehicle came and stopped in front of their motorcycle out of which 5-6 boys alighted, who were armed with iron rods and 'gandases' and who made objectionable utterances against his caste. It is alleged that out of the aforesaid boys Jaipal, Sonu and Joginder were known to him. It is alleged that other persons, who were not known to him, gave blows with rods on his head due to which he fell down on the road. Jaipal, Sonu and Joginder, who were also armed with rods, gave blows with the same on his arms. Hoshiara Dhanda and Sataya Narain ran away from the spot. The said boys put him in the 'Safari' vehicle and threw him in front of liquor shop, Sandlana.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and has been involved falsely in this case on the basis of disclosure statement made by co-accused Joginder.
4. Opposing the petition, the learned State counsel has submitted that since the co-accused has categorically named the petitioner, no case for grant of bail is made out. It has, however, been informed that the petitioner is not involved in any other case and has been behind bars since the last about two months. It has also been informed that the complainant has sustained as many as eight injuries, which as per doctor's opinion had all been caused by blunt edged weapons, out of which three injuries were in the nature of 'grievous injuries' attracting offence under Section 325 IPC.

5. Having considered rival submissions addressed before this Court and while bearing in mind that the petitioner is not named in the FIR and has been nominated as an accused on the basis of statement made by co-accused, the admissibility and veracity of which is yet to be tested during the course of trial, and also while noticing that the petitioner has been behind bars since the last about two months, in my opinion, further detention of the petitioner would not serve and useful purpose. The present petition, as such, is accepted and petitioner Naseeb @ Raka is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The petition stands accepted accordingly.

July 25, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No