

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

205)

CRM-M-42007 of 2019

Date of Decision: 02.11.2019

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Teinder Pal Singh, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition filed under the provisions of Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner points to the fact that even as per the statement of the father of the deceased boy, i.e. the father of Nikhil (Satish), as recorded under Section 161 of the Cr.P.C (copy Annexure P-1), the petitioner is not initially named as even any person who had exhorted his companion to teach the complainant and Nikhil a lesson, with Staishs' statement further being that later he came to know that the petitioner (Rajesh) and other persons had attacked boys of a particular community, with the intention to kill them.

Learned State counsel however points to the FIR recorded at the instance of one Kehar Singh, who though described himself to be the grandfather of the deceased, Nikhil, is not shown to be the father of Satish, i.e. the father of Nikhil, as per the statement of Satish (wherein he is shown to be son of Dila Ram).

Learned State counsel points to the fact that in the FIR the complainant has stated that it was the petitioner who had exhorted his companions to teach the complainant and Nikhil a lesson, further stating that thereafter, when they had been beaten up and were lying on the ground, that the father of Nikhil came to the spot.

Learned counsel for the petitioner, in rebuttal, refers to the statements of those two boys who are actually the ones, who the petitioner and his co-accused are stated to have been chasing, i.e. Kartik and Sanam, to submit that even they had stated that it was actually one Kalia son of Bhartu who had exhorted the others to attack the deceased and the complainant.

Though otherwise there may not be any reason for the complainant to name the petitioner as the person who had exhorted others to beat up the deceased and the complainant (as per the statement leading to the registration of the FIR), however, keeping all the circumstances in view, further seeing that the petitioner has been in custody for the past 5 months as of today, with the '*challan*' just having been submitted to the court, with no other case shown to be registered against the petitioner as per the custody certificate filed in court today, I deem it appropriate to admit him to bail.

Consequently, without making any comment on the actual merits of the case, for or against the petitioner, this petition is allowed with the petitioner to be enlarged on bail, upon his furnishing adequate bail

and surety bonds to the satisfaction of the trial Court.

02.11.2019
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No