

**CRM-M-45225-2019(O&M)
and connected case**

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

1.CRM-M-45225-2019(O&M)

Ravinder Gaur

.....Petitioner

Versus

State of Haryana

.....Respondent

2.CRM-M-32074-2019(O&M)

Rahul @ Abhishek

.....Petitioner

Versus

State of Haryana

.....Respondent

Date of decision: 15.11.2019

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Kunal Dawar, Advocate for the petitioner
in CRM-M-45225-2019

Mr. Chander Shekhar Rawat, Advocate for
Mr. Surinder Dagar, Advocate for
the petitioner in CRM-M-32074-2019

Mr.Vikas Chopra, DAG, Haryana

Mr. Sahil Chowdhary, Advocate for
Mr. Shiv Kumar, Advocate for complainant

ANIL KSHETARPAL, J. (ORAL)

By this order, two criminal petitions bearing nos. CRM-M-45225-2019 and CRM-M-32074-2019 shall stand disposed of.

Petitioners in both the petitions pray for grant of bail pending trial in criminal case arising from FIR No.611 dated 15.6.2018 registered under Sections 148, 149, 323, 325, 449, 307, 302, 506 IPC and Sections 25,

54, 59 of Arms Act at Police Station City Ballabgarh, District Faridabad (in CRM-M-45225-2019) and FIR No.611 dated 15.6.2018 registered under Sections 148, 149, 323, 302 IPC (Sections 307, 325, 450, 506 IPC) and Section 25 of Arms Act at Police Station City Ballabgarh, District Faridabad (in CRM-M-32074-2019)

Facts of the case as noticed by the learned Court of Sessions, correctness whereof is not disputed, are extracted as under:-

“3. Police report reveals that on 15.6.2018, telephonic information was received from B.K.Hospital guard to the effect that Jitender son of Devender had died due to sustaining injuries in a brawl. SI Lajpat reached the hospital and collected rukka. Azad Rana son of Shri Raj Kumar Rana, resident of House No. 261, Adarsh Nagar, Ballabgarh, approached him and got recorded his statement, as per which on that day (14.6.2018) at 9:30 p.m., he and his elder brother Jeetu Rana (deceased) were standing at their shop in Unchagaon, when Manish Solanki and Neeraj Solanki started fighting with each other in front of the shop. They intervened and both of them i.e Manish and Neeraj left. After about 20 minutes, Manish Solanki, Hemant Solanki, Rahul Solanki, resident of Adarsh Nagar, Charan Singh, resident of village Ronija, Bharat Pal, resident of Adarsh Nagar and some other boys came to their home holding lathis, dandas and knives. Manish inflicted knife

blow in the chest of Jeetu. Rahul Solanki hit iron rod on his (Azad's) head. When his mother tried to save them, she was also caused injury on foot with iron rod by Rahul Solanki. The other assailants also caused them injuries with lathi, danda and kick blows. In the meantime, their neighbour Jeetu Bhati reached there, who was pushed by Charan Singh. Then Krishan Rana, Bittu Rana and Bijender Rana rescued them. Hurling threats to eliminate them in future, the assailants fled away. His family members brought them to Manavta Hospital, Ballabgarh. Prayer was made to take necessary action against Manish Solanki, Charan Singh, Rahul Solanki, Bharat Pal Solanki and others. It was further stated that due to the injuries, his brother Jitender had expired.”

Learned counsel for the petitioners contends that petitioner – Ravinder (in CRM-M-45225-2019) is in custody since 11.4.2019 whereas petitioner-Rahul (in CRM-M-32074-2019) is in custody since 2.2.2019. It has been pointed out that petitioners are not named in the FIR and they are sought to be implicated on the basis of CCTV footage and video clippings where they were found standing at the time of occurrence. As per the case of the prosecution, petitioners were unarmed and they had given fist and leg blows. It would be noticed that co-accused namely Kapil, Charan Singh, Umesh and Rahul s/o Bharat Pal have already been granted bail/anticipatory bail. Rahul s/o Bharat Pal is alleged to have given one rod injury on the head of the first informant- Azad Rana and another rod injury on the foot of

the mother of Azad Rana-Smt. Rajesh.

Investigations are complete. Case is now fixed for prosecution evidence. Thus the petitioners are in judicial custody. Their further incarceration is not required.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioners on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Both petitions stand allowed.

15.11. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No