

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

1. CRM-M No.44896 of 2019

Vikas @ Golu

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.44990 of 2019

Sahil

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 6th November, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Dinarpur and Mr. Subhash Godara, Advocates
for the petitioners.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Sandeep S. Jattan, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Both the above detailed regular bail applications under Section 439 Cr.P.C., one by petitioner Vikas alias Golu and the other by petitioner Sahil, having arisen out of the same very FIR bearing No.166 dated 05.09.2019 under Sections 148, 149, 323, 452, 506, 354-B, 379-B, 427 IPC and Section 25 of the Arms Act pertaining to Police Station Bilaspur, District Yamuna Nagar, are being taken up together for disposal to facilitate brevity.

The allegations have been levelled by complainant Gulab Singh alleging that on 04.09.2019 around 7.30 p.m. while he along with his wife and others was present at home, accused persons came on 5/6 motorcycles and a car bearing registration No.HR-26Z-6006 and which group was headed by Ashu along with Sunil and Sachin Sharma (all co-accused non-applicants). It is further alleged that Ashu was driving the car and all of them were armed with Saria/iron rods, Dandas, Gandasis and giving Lalkaras they trespassed into the house of the complainant and assaulted them. Co-accused non-applicant Sunil is attributed two blows on the head whereas co-accused non-applicant Sachin Sharma is attributed a single blow by the reverse side of Gandasi on the head of the complainant while other co-accused gave blows of their respective weapons, leading to registration of the present case.

Learned counsel for the petitioners Mr. S.S. Dinarpur and Mr.Subhash Godara, Advocates inter alia contend that the present petitioners are not named in the FIR and till date no test identification parade has been conducted and that there is no specific role attributed to the petitioners in commission of the offence and further that all the injuries are simple in nature.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana on instructions from SI Balbir, Police Station Bilaspur assisted by Mr. Sandeep Singh Jattan, Advocate representing the complainant though have not displaced the facts but have sought to

stoutly oppose the grant of bail on the grounds of heinousness of the offence and that the investigations are still underway. Learned counsel for the complainant further submits that there are 13 injuries on the person of the complainant, two injuries on the person of his son and two to his mother as well as his wife.

Appreciating the arguments of the two sides, admittedly the petitioners are behind bars for almost two months. It is duly and fairly conceded at the bar by learned State counsel that x-ray is conducted on the injuries and no fracture has been detected. In view thereof and the fact that the petitioners are not specifically named and no test identification parade has been conducted, and also that the trial is not likely to conclude in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioners in custody in the present case. Accordingly, they are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Both the petitions stand disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

November 6, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No