

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

CRM-M-2756-2020

Date of Decision : July 31, 2020

Rahul		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.222 dated 4.9.2019, under Sections 147, 148, 149, 323, 324, 326, 341, 307 and 506 IPC, registered at Police Station Sadar, Narwana.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant-Jarnail Singh, it is stated that he is an agriculturist and is a partner in a liquor vend. On 1.9.2009, after collecting cash, he was going towards village Phullyia in his vehicle and when he reached near village Kahna Khera, accused Aman and Malkit Singh sons of Suresh started chasing him on their motorcycle. Petitioner-accused Rahul had taken the hotel of Jai Bhagwan on rent and in front of the said hotel, Jai Bhagwan and Suresh parked their car in front of the car of the complainant. Thereafter, petitioner brought out two Gandasis and one Danda from the hotel and

gave it to Suresh, Aman and Jai Bhagwan. Thereafter Malkiat Singh and petitioner-Rahul caught hold of him and Suresh gave a Gandasi blow and Jai Bhagwan gave a Danda blow on the head of the complainant. Aman tried to give a Gandasi blow on his head and he raised his hand and the same hit on his right hand. Thereafter he fell down and accused caused him further injuries on his leg. Thereafter, he became unconscious and the accused persons ran away from the spot.

Counsel for the petitioner has referred to order dated 10.6.2020 vide which the Sessions Judge has granted the concession of regular bail to co-accused Suresh. A perusal of the order shows that the petitioner was arrested on 10.9.2019 and thereafter, Suresh and Jai Bhagwan were arrested on 15.9.2019. Both of them suffered their disclosure statements and got recovered the weapon of offence and the vehicle used in the crime. During investigation, Aman and Malkit Singh were found innocent. Thereafter the challan was presented and the case is now fixed for the prosecution evidence.

It is further observed in this order that as per the prosecution version, injury of Gandasi on the head of the complainant was attributed to Suresh. Injury No.3 on the person of the complainant, was declared dangerous to life.

Counsel has, thus, submitted that Suresh who is attributed the injury under Section 307 IPC has already been released on bail and the petitioner has been implicated on account of business rivalry between the complainant and the petitioner.

Learned State counsel has not disputed the factual position

and submitted that the petitioner is not involved in any other case. However, he was actively involved as he was caught hold of the complainant from the backside and supplied the weapon to the co-accused.

It is not disputed that the case is fixed for prosecution evidence and no prosecution witness has been examined despite the fact that the challan was presented a long ago.

After hearing the counsel for the parties, considering the fact that the petitioner is the first offender and is in custody since September, 2019 and the main accused, who was attributed injury under Section 307 IPC has already been granted the concession of regular bail by the Sessions Judge, the present petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

July 31, 2020
satish

Whether speaking/reasoned : Yes/No
Whether reportable: : Yes/No