

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-3171 of 2020

.....

Date of decision:31.01.2020

Vicky and others

...Petitioners

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

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Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana
for the respondent-State.

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Ashok Kumar Verma, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.502 dated 18.07.2019 registered for the offences under Sections 114, 148, 149, 307, 323, 379-A, 417 and 506 IPC and (Sections 325 and 379-B IPC, which were added later on) at Police Station Gharaunda, District Karnal, however, the offences under Sections 307 IPC and 379-A IPC stand deleted while filing report under Section 173 Cr.P.C.)

Notice of motion.

On asking of the Court, Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

As per prosecution case, the incident took place on 11.07.2019 at Chardi Kala Dhaba, Village Gharaunda, District Karnal. The complainant had gone there to have meals where he had altercation with Balkar Singh and Gaurav, who slapped him. The complainant ran away from the spot at which Gaurav and Balkar Singh told about 10/12 eunuches, who were present there to snatch his articles and also provided *Dandas* to them. When those persons were causing injuries to complainant, Gaurav was preparing a video. An amount of ₹5,000/- lying in the pocket of the complainant was also snatched.

Learned counsel for the petitioners submits that co-accused Anil Kumar was arrested on 19.07.2019 while Santosh and Sunny were arrested on 20.07.2019. An amount of ₹1,500/- has been recovered from them and after completion of investigation, challan against them has been presented before the Court. The petitioners have not been named in the FIR, but they have been nominated on the basis of video of the incident.

After going through the record, I find that the petitioners have not been named in the FIR. No role has been attributed to them. There is delay of 7 days in registration of FIR. Previously, Sections 307 and 379-A IPC were added by the Police, which have been deleted while filing report under Section 173 Cr.PC. The petitioners have been in custody since 18.07.2019. Co-accused Santosh Kumar, Sunny @ Indel Kumar and Anil Kumar have already been released on bail vide order dated 18.12.2019 passed by a Co-ordinate Bench of this Court. No useful purpose will be

served by keeping the petitioners in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case and the fact that the challan against the petitioners has been presented before the Court and conclusion of trial is likely to take considerably long time, this criminal miscellaneous petition is allowed. Petitioners-Vicky, Rajbir and Om Parkash are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a). The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.PC.
- (b). In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c). They shall not leave the country without the prior permission of the Court.

January 31, 2020.

(Ashok Kumar Verma)
Judge

hsp

NOTE: Whether speaking/reasoned: Yes

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Whether reportable: No