

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11125-2020
Date of Decision: 22.06.2020

Vikas

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.A.Khan, Advocate for the petitioner.

Mr. Deepak Sabharwal, Addl. AG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Vikas, son of Yagdutt, the petitioner has prayed for grant of regular bail in case FIR No. 166 dated 5.9.2019 registered under Sections 148, 149, 323, 354, 379, 452, 506 of IPC, 1860 (Later on Section 354-B, 379-B IPC were enhanced from Section 354, 379 IPC and Section 25 Arms Act 1959 were added) at Police Station Bilaspur, District Yamuna Nagar.

Briefly, the FIR has been registered on the basis of statement of Gulab Singh alleging that on 4.9.2019 at about 7.30 p.m., he along with his wife Mamta, mother Mukhtiari Devi and son Chahat were present in the house. Meanwhile, 5-6 motorcycles carrying 2/3 boys on each motorcycle along with a car wherein 5 persons were sitting arrived at the spot. The boys sitting in the car namely Ashu, Sunil and Sachin Sharma were known to the complainant. The assailants were carrying iron rods, sticks, gandasis and were raising lalkaras. They broke down the door of the house. Ashu inflicted three iron rod blows on the head of the complainant. Sunil gave

two iron rod blows and Sachin Sharma gave gandasi blow from reverse side on the head of the complainant. 15-20 unidentified boys on motorcycles also gave stick blows on the legs and arms of the complainant. Mamta and Mukhtiari Devi tried to intervene and the assailants also gave beatings to them. Chahat raised alarm and danda blows were inflicted upon him. The assailants tore the clothes of Mamta and stole away the licenced revolver and other articles lying the almirah. On hearing the alarm, people were attracted at the spot and the assailants slipped away.

It has been stated by learned counsel for the petitioner that the name of Vikas-petitioner does not find mention in the FIR. He was nominated on the basis of the disclosure statement of the co-accused namely Ashu and recovery of iron rod has been effected. It has been further stated that his arrest was effected on 10.9.2019, the investigation of the case is complete and challan has already been presented in the Court. Moreover, similarly placed co-accused namely Vikas @ Golu has been granted regular bail vide order dated November 6, 2019 and Sunil Kumar, co-accused has been granted pre-arrest bail vide order dated 6.11.2019 passed by the Co-ordinate Bench of this Court. It has further been argued that X-ray examination has been conducted but no fracture has been found. Even no test identification parade was conducted and the case of the petitioner is at par with the co-accused who have already been granted bail by this Court.

Learned State counsel has not disputed the factual aspect of the matter.

Keeping in view the fact that similarly placed co-accused have been granted bail, investigation of the case is complete, petitioner has been nominated on the basis of the disclosure statement of co-accused, no

recovery of stolen property has been effected from him and he has not been named in the FIR, sufficient grounds are made out to grant regular bail to the petitioner.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

22.06.2020

Janki

(VIVEK PURI)
JUDGE

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