

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

CRM-M-14439 of 2020

Date of Decision: 29.06.2020

Vikash @ Nikku Pandit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Vikrant Pamboo, AAG, Haryana.

HARINDER SINGH SIDHU, J

The case has been taken up by way of Video Conference as per instructions in view of COVID-19 pandemic.

Prayer is for grant of regular bail in case FIR No.95 dated 11.05.2019 under Sections 148,149,307,324,341,506 IPC (Sections 302 & 326 IPC added later on) registered at P.S Barauda, District Sonapat.

FIR was registered on the complaint of one Anil that on 11.05.2019 at about 12.30 PM, he was sleeping in his house. He was informed by one Prem that at about 10.00 PM on 10.5.2019 while preparing wheat Husk (Tooda), a quarrel had crept between him and Kuldeep in which Kuldeep had given beatings to him. Prem asked the complainant to accompany him to the police station. Thereafter, Rakesh and Rajpal on other motorcycle also accompanied said Prem and the complainant to the police station. When they reached in front of Girls School Gangana, then

from the opposite side, a Scorpio, white color came there and 10-12 young boys armed with swords, bitte, gandasas and pistol in their hands including Kuldeep, Rajinder, Anil Niku Pandit, Chautala, Pammi, Deepak and Kala apart from 3-4 more boys whose names and addresses are not known to him, alighted from it. Kuldeep told Prem that he would be taught a lesson for having quarrel with him and after saying so, Kuldeep and all of his friends started giving beatings to Prem with their arms. Meanwhile, when Rakesh and Rajpal reached there then all the accused fled away from the spot along with their respective weapons.

Initially, a case was registered under Sections 148,149,323,341,307,506 IPC. Prem was admitted in the hospital but he succumbed to the injuries on 24.5.2019 and thereafter Sections 326 & 302 IPC were added.

Learned counsel for the petitioner states that as per the MLR of the deceased, he had suffered three injuries including two incised wounds. He argues that the petitioner has falsely been roped in as he had not inflicted any injury with sharp edged weapon and that a danda (bamboo stick) has been recovered from the petitioner.

Opposing the petition, the learned State counsel has submitted that investigation in this case is complete, challan has been filed and the charges have been framed. The petitioner is in custody since 19.5.2019.

Without commenting anything on the merits of the case and also bearing in mind the fact that the petitioner is in custody since 19.05.2019 and is not wanted in any other case, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further.

The petition, as such, is accepted. The petitioner Vikash @ Nikku Pandit is

ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

June 29, 2020
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No