

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

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**CRM-M-17297-2020
Date of decision: 02.09.2020**

Rajender @ Raju Kana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.299 dated 13.11.2019 registered at Police Station Sadar Narnaul, District Mahendergarh under Sections 148, 149, 323, 379-B and 307 of the Indian Penal Code, 1860 (for short, "IPC") to which Section 325 of the IPC was added lateron.

The above said FIR was registered on statement of Kanwar Singh who alleged that he is a liquor vendor and his elder brother Shyam Singh runs roadside eatery under the name and style of "Rao Hotel" near H.P. Petrol Pump. On 13.11.2019, when he was waiting for vehicle which was to come to the liquor vend and Deepak and Babu Lal were dining in the hotel, a Bolero car came there out of which 8/10 persons including Raju Kana (petitioner), Sumer and Paramvir got

down. The petitioner asked his brother to offer him food immediately on which his brother expressed his inability due to the fact that many persons were simultaneously dining and requested him to wait. Thereupon the petitioner got angry and the petitioner along with co-accused Sumer and Paramvir started beating his brother with saria, danda and iron rod. After causing multiple injuries on his legs, arms and head and snatching his gold chain and cash, the petitioner along with his co-accused fled from the spot.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of status report and additional affidavit of Narender Kumar, H.P.S. Deputy Superintendent of Police, Narnaul, District Mahendergarh.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR all the injuries were on non-vital parts and there was no injury on the head of injured Shyam Singh. Recovery of danda was planted on the petitioner. The complainant and injured Shyam Singh have given affidavits that the petitioner was not the person who caused injuries to injured Shyam Singh. As per the allegations made in the reply filed the petitioner is stated to be involved in 16 cases but the petitioner has already been acquitted in 11 cases and is on bail in all other cases pending against him. The trial is likely to take long time

and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner along with others attempted to murder injured Shyam Singh. The petitioner is involved in 16 other cases. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, the affidavits of the complainant and injured Shyam Singh and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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