

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

209-A

**CRM-M-15870-2020
Date of decision: 16.07.2020**

Nihal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Anmol Malik, 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.118 dated 20.02.2020 registered under Sections 148, 149, 285, 308, 323, 325, 341, 379-B, 427 and 506 of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 at Police Station City Yamuna Nagar, District Yamuna Nagar.

The above said FIR was registered on statement of complainant-Surya Pandit who alleged that on 19.02.2020 at about 10:00 P.M., he and his friend Manish Kumar @ Mani were going to his house in his car bearing registration No.HR02F-5244. When they reached near Rampura Colony, Yamuna Nagar the petitioner and his co-accused Tarun @ Tantrik, Kalu, Manish Ganja, Natin, Manmohan

Thakur, Chikli and 10-15 other boys came from behind in 2-3 cars and bikes armed with dandas/rods and stopped their car and hit the car with dandas/rods. When they got down from the car, the petitioner and his co-accused Manish and Nitin gave danda blows to him and his friend Manish. Tarun @ Tantrik, Manmohan and Chikli and others gave danda blows and fist blows. Manish Ganja gave a sword blow to him. They caused injuries on his head, right hand both legs and other parts of the body and on legs, shoulder, arms and waist of his friend Manish. They also snatched his mobile phone and wallet containing Rs.750/- and Aadhaar Card. The mobile phone of his friend Manish was broken in the incident. The accused persons also snatched a sum of Rs.4,500/- from Manish. Sahil was also accompanying the above said accused persons and gave beatings to them. While fleeing from the spot the accused threatened to kill them.

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 reply filed by way of affidavit of Subhash Chand, HPS, Deputy Superintendent of Police, Yamuna Nagar.

I have heard learned counsel for the petitioners 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. The present FIR is a result of old rivalry of the complainant with co-accused Manish @ Ganja. Injury caused to the complainant Surya Pandit with sword attracting Section 308 of the IPC is attributed to co-accused Manish @

Ganja. The petitioner is alleged to have given danda blows. 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 concession of regular bail.

On the other hand, learned State counsel has submitted that the petitioner along with his co-accused caused injuries to the complainant and his friend Manish. The petitioner is a habitual offender and is also involved in one more case of similar nature. In view of the gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

The petitioner is stated to be habitual offender but he is not a previous convict. He is involved in one more case which is pending but he is on bail in that case. In the present case the petitioner is alleged to be armed with danda and is alleged to have given danda blows to the complainant and his friend. The injury caused with sword attracting Section 308 of the IPC is not attributed to him. In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time but without meaning to comment on merits of the case, I am of the considered view that the petition deserves to be allowed.

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

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence and in case of

commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

16.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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