

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

206

**CRM-M No. 17847 of 2020
Date of decision:24.7.2020**

SURENDER @ SINDER

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Raghav Sharma, Advocate
for the petitioner.

Mr.Vishal Malik, DAG, Haryana

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.486 dated 25.11.2018 registered under Sections 148, 149, 323, 324, 326, 307, 452, 506 IPC and Section 25/54/59 of the Arms Act at Police Station Kurukshetra University, Kurukshetra.

The FIR has been registered at the instance of complainant Anil Kumar, who alleged that on 24.11.2018 at about 11:30 pm, he along with his son Saurabh and nephew Deepak were sleeping in outer room of the house. They heard some noise of breaking open the outer gate and also heard abuses. Son of the complainant, namely, Saurabh went outside. Ravi @ Gorkha opened fire with a country made pistol upon Saurabh and the bullet went passed over his head. There were

many assailants along with Ravi @ Gorkha. The assailants assaulted the complainant. Anoop Barwa hit the complainant with *talwar* on his hand. The complainant tried to stop the blow with his left hand and his small finger got chopped off and fell away. Nandu Pandit attacked the complainant with *gandasi*. The complainant avoided the blow with his left hand and the *gandasi* hit on his small finger. Anup Barwa attacked three times with his sword on the back of the complainant and he started bleeding. Cheema hit the complainant on his left thigh with *danda*. Mohit Pandit hit the complainant with a lathi on his left ankle. Anup Barwa attacked the complainant twice on his head with sword. The complainant got smeared with blood.

Complainant Anil Kumar, his son Saurabh and nephew Deepak have been examined as PW-3 to PW-5. They have not supported the case of the prosecution so far as complicity of the accused, except Ravi @ Gorkha and Nandu, is concerned. They were declared hostile qua accused Anup Barwa, Rahul, Mohit, Gulshan, Harsh, Navdeep, Surender (petitioner) and Cheema. They were cross-examined by the learned Public Prosecutor. All the aforesaid witnesses have not supported the case of the prosecution so far as the petitioner and other accused except Ravi @ Gorkha and Nandu are concerned. Petitioner was not named in the FIR. Name of the

petitioner came to be disclosed by the co-accused. Petitioner is in custody since 6.7.2019.

Learned State counsel, on instructions from the Investigating Officer, contends that the petitioner was member of the un-lawful assembly and *danda* has been recovered from him. Out of 36 prosecution witnesses, 9 have been examined including the material witnesses from the complainant side. The statements of PW-3 to PW-5 will be tested by the Court at an appropriate stage.

Having heard the arguments at this stage and without adverting to the merits of the case, I am of the view that the petitioner can be enlarged on regular bail.

Accordingly, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/ concerned duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 24, 2020

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Whether reasoned/speaking**Whether reportable****(RAJ MOHAN SINGH)
JUDGE****Yes/No****Yes/No**