

*CRM-M-18534-2020 &  
CRM-M-24472-2020*

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

**1. CRM-M-18534-2020**

Mangat Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

**2. CRM-M-24472-2020**

Ashu

..... Petitioner

Versus

State of Haryana

..... Respondent

**Date of decision :-17.9.2020**

**CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**

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Present : Mr.Gaurav Sethi, Advocate  
for the petitioner in **CRM-M-18534-2020** .

Mr.Munish Behl, Advocate  
for the petitioner in **CRM-M-24472-2020**.

Mr.Tanuj Sharma, AAG, Haryana.

Mr.Sukesh K.Jindal, Advocate

for the complainant.

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**H.S. MADAAN, J.**

Cases taken up through video conferencing.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-18534-2020** filed by petitioner Mangat Ram and **CRM-M-24472-2020** filed by petitioner Ashu, both of them being accused in FIR No.178 dated 3.3.2020 for the offences under Sections 148, 149, 323, 427, 452, 436, 506 IPC, registered with Police Station Mahesh Nagar, District Ambala.

Briefly stated, the the facts of the case as per the prosecution story are that on midnight of 2/3.3.2020, while the complainant Naresh Pal alias Popi aged about 44 years was sleeping in his rented accommodation at New Preet Nagar, Ambala Cantt., suddenly he heard noise of opening of main gate of the house. The complainant woke up and observed some boys having entered into his room after breaking the door. One of the boys namely Mukesh Kumar having an iron rod gave blow therewith to complainant hitting him on head. Sumit Kumar Bihari having a danda hit the complainant therewith on his left hand, whereas Ashu (petitioner in CRM-M-24472-2020) along with 15-20 other boys broke the glass-panes of the windows and damaged motorcycle No.9179 parked in the house. The complainant was given beatings by them and he was threatened also. In the meanwhile, Mangat Ram (petitioner in CRM-M-18534-2020) came there and stated that Naresh had been taught a lesson and now they should move

to the house of Arjun Katora to give him taste for killing his son. Mangat Ram, Mukesh Kumar, Sumit Kumar Bihari, Ashu and Rahul along with 15-20 accomplices damaged motorcycle and three-wheeler parked inside the house of Arjun Katora and thereafter put the household items on fire. The complainant and family members of Arjun Katora raised alarm. Thereafter, the intruders ran away from the spot. The complainant was taken to Government Hospital, Ambala Cantt., where he was medically treated and medico-legally examined. On the basis of the statement made by the complainant/injured, formal FIR in the matter was registered. The investigation in case was started.

Apprehending their arrests in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Ambala vide separate orders dated 4.7.2020. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondent – State, which put in appearance through State counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners have contended that the petitioners are innocent and have been wrongly involved in this case at the instance of Arjun Katora whose son was a suspect for murder of son of

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petitioner Mangat Ram and an FIR No.177 dated 3.3.2020 for the offences under Sections 148, 149, 323, 302 IPC has been registered. Arjun Katora had been pressurizing the petitioners to compromise the matter but Mangat Ram refused to do so, as such, he involved Mangat Ram and Ashu in this case false case as counter-blast to FIR No.177 dated 3.3.2020. It has been further contended that petitioner Mangat Ram is aged about 67 years, whereas petitioner Ashu is of young age of 23 years. They do not have any past criminal record and they have joined the investigation as directed by this Court while granting them interim bail and no recovery is to be effected from them, therefore, they be granted concession of anticipatory bail.

Whereas learned State counsel assisted by learned counsel for the complainant opposed the request submitting that the allegations against the petitioners are quite serious and their custodial interrogation is required for effective investigation.

After hearing the rival contentions and going through the record, I find both the cases fit to grant pre-arrest bail to both the petitioners. A perusal of the FIR goes to show that Mangat Ram has not been attributed any injury to the complainant/injured. As a matter of fact neither Mangat Ram nor Ashu are alleged to be armed with any weapon at the relevant time. The allegations against them are quite general and Mangat Ram as per the prosecution story had come to the house of the complainant after he had been given beatings. Similarly, Ashu is not alleged to have caused any injury to the complainant. Though there are allegations against Ashu along with his accomplices damaging articles belonging to the

complainant and Arjun Katora besides setting those on fire but then a plausible reason for involvement of both the petitioners in this case has been furnished by the petitioners that son of petitioner Mangat Ram had been murdered regarding which FIR had been registered and son of Arjun Katora was a suspect in that case, though he is said to have been found to be not involved in the said incident by the investigating agency. The petitioners have since joined the investigation. No recovery of any weapon is required to be effected from them since as per the contents of the FIR, neither Mangat Ram nor Ashu was having any weapon at the relevant time. Though learned State counsel has contended that the petitioners have not cooperated during the investigation but he could not explain as to how it was so and what material information sought to have been obtained from the petitioners has been withheld by them. Thus I find that custodial interrogation of the petitioners is not necessary. Therefore, the interim bail granted to petitioner Mangat Ram vide order dated 7.8.2020 and to petitioner Ashu vide order dated 26.8.2020 are made absolute, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the previous permission of the Court; and

(iv) that the petitioners shall surrender their passports before the Investigating Officer and if they are not having passport, then shall file an affidavit in that regard.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail granted to them.

The petitions stand allowed accordingly.

**( H.S. MADAAN )  
JUDGE**

**17.9.2020**  
**Brij**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**