

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

Date of Decision: 14.12.2020

1. CRM-M No.25067 of 2020(O&M)

Naveen @ Radhey

.....Petitioner

Vs

State of Haryana

.....Respondent

2. CRM-M No.25064 of 2020(O&M)

Naveen @ Radhey

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. J.P. Sharma, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Vide this common order, CRM-M No.25067 of 2020 titled Naveen @ Radhey Vs. State of Haryana and CRM-M No.25064 of 2020 titled Naveen @ Radhey Vs. State of Haryana are being disposed of. Facts are being taken from

CRM-M No.25067 of 2020.

Petitioner in CRM-M No.25067 of 2020 seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.603 dated 24.11.2019 registered under Sections 148, 149, 307, 323, 376, 452, 506, 511 IPC and Sections 25, 54 of the Arms Act (however, challan has been submitted under Sections 148, 149, 294, 307, 354-A, 452, 506 IPC and Sections 25, 54 of the Arms Act) at Police Station City Mahendergarh, District Mahendergarh.

Petitioner in CRM-M No.25064 of 2020 seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.602 dated 24.11.2019 registered under Sections 148, 149, 307, 323, 376, 452, 506, 511 IPC and Sections 25, 54 of the Arms Act (however, challan has been submitted under Sections 148, 149, 294, 427, 307, 506 IPC and Sections 25, 54 of the Arms Act) at Police Station City Mahendergarh, District Mahendergarh.

As per allegations, the occurrence took place at about 2:30 AM. The accused namely Situ @ Krishan, Naveen (Radhey)/petitioner, Sachin Dewas @ Coach, Sonu Dewas, Ryes @ Lashkar and four unknown persons while firing shots in air trespassed into the house of the complainant Lal Chand.

They by putting gun on the head of the complainant asked for the whereabouts of his son. Further allegations are that they aimed pistol on the daughter of the complainant and asked her to remove her clothes. When wife of the complainant came forward, then they also showed pistol to her and pushed her back. They torn away the clothes of his daughter and tried to misbehave. They also torn away her pant and touched her inappropriately and also tried to rape her. When the daughter of the complainant started crying, then they locked the complainant party in a room and ran away.

Learned counsel for the petitioner(s) submits that FIR No.602 was also registered on 24.11.2019 for the same offences at the instance of the complainant Birender Singh. The alleged occurrence in the said case took place at 3:00 AM i.e. after half an hour of the present occurrence. FIR is verbatim the same except the name of the complainant and victim.

Per contra, learned State counsel on instructions submits that as per investigation of the police, Sachin Dewas @ Coach is the main accused who touched the victim in an inappropriate manner. One Deepak who is not named in the FIR is still at large. One nozzle pipe has been recovered from the petitioner. Petitioner has been shown as an accused in both the aforesaid FIRs. Petitioner is in custody since 07.03.2020. After

filing of the challan, charges have not been framed so far.

Having considered the controversy on *prima facie* note, I find that the complicity of the petitioner(s) would be debatable and would be subject to judicial scrutiny of the evidence to be led by the parties at an appropriate stage.

Now keeping in view the nature of allegations in both the FIRs, timing of registration of aforesaid FIRs, the situation arising out of pandemic Covid-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner (s) on regular bail.

In view of above, both the petitions are allowed. Petitioner(s) 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.

(RAJ MOHAN SINGH)
JUDGE

14.12.2020

Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No