

226

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

CRM-M No. 37767 of 2020
Date of Decision: 19.11.2020

Saral @ Shanky

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.354 dated 03.10.2020 under Sections 148, 149, 323, 506, 308, 332, 353 IPC registered at Sadar Yamuna Nagar.

FIR was registered at the instance of Lakhwinder Singh who is a Home Guard in ANC staff. On 03.10.2020, at about 2.00 PM, when he reached near Kali Mata Mandir near Shanti Colony, some boys pointed out towards him that he is a police man and started abusing him. They also apprehended him. Nihal Singh, Shanky (petitioner), Ganja, Sumit and Kalu

gave beatings to the complainant. Kalu gave rod blow on his head and legs. Nihal Singh gave danda blow. Blood started oozing out from the head. On raising alarm, accused ran away from the spot.

Learned counsel for the petitioner submitted that as per FIR, no overt act has been attributed to the petitioner except to show his presence in the form of unlawful assembly at the spot. There is no allegation of prior meeting of mind of the accused persons in order to open assault on the complainant.

Petitioner is in custody since 05.10.2020.

Challan has not been presented.

Learned State counsel on instructions from SI Mohan Lal submits that though there is no attribution to the petitioner in the FIR, but the police has recovered danda from him. Petitioner is in judicial custody and has antecedent behaviour of criminal activity.

Learned counsel for the petitioner submits that the petitioner is on bail in all other cases.

No recovery is to be effected from him in view of recovery of alleged danda from the petitioner.

Keeping in view the role attributed to the petitioner and also the nature of allegations, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

19.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- | | | | |
|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |