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

1. CRM-M No.35520 of 2019
Date of Decision: 10.01.2020.

Bijender @ MeenuPetitioner
Vs
State of HaryanaRespondent

2. CRM-M No.38785 of 2019

AnoopPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pankaj Katia, Advocate and
Mr. Rajesh Bansal, Advocate
for the petitioner(s).

Mr. Anmol Malik, A.A.G., Haryana.

Mr. Sajjan Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order, CRM-M No.35520 of 2019 and CRM-M No.38785 of 2019 are being decided. Since both the petitions have arisen from common FIR, therefore, common facts are being noticed.

[2]. Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.122 dated 30.10.2018, registered under Sections 120-B, 148, 149, 302, 307, 323, 506

IPC and under Section 25/27/54 of the Arms Act, 1959 at Police Station Bapoli, District Panipat.

[3]. The occurrence took place on 29.10.2018, when due to an altercation between children, Savitri wife of Satbir had an argument with wife of Ram Mehar i.e Angrejo and wife of Karamveer i.e. Nirmala. Both were separated.

[4]. As per allegations made in the FIR, Mohit shot Savitri in her stomach with his pistol and Pappu shot Ajay in his right arm with his revolver. Mohit also fired at Satbir hitting him in his stomach and right arm. Pappu again fired at Sonu and neighbourer Sewa. Other persons also received some injuries. Anoop gave lathi blow on the head of the complainant. Karamveer gave lathi blows to the complainant and others. Pappu, his sons and their wives etc. and Sumit, Deepak son of Mahabir, Rinku came in their car and they fled away from the scene.

[5]. Bare perusal of the FIR shows that there is no part attributed to the petitioner Bijender @ Meenu in the entire prosecution story arising out the FIR. Petitioner-Anoop has been attributed a lathi blow on the head of the complainant which according to the prosecution is found to be simple in nature.

[6]. During subsequent proceedings of the case, petitioner

Bijender @ Meenu is shown to have been armed with an axe. This version has come in the statements of Ajay and Amit, whereas in the statements of Savitri, petitioner Bijender @ Meenu was armed with Lathi. The factum of use of either axe or lathi has not come forth.

[7]. At this stage, learned State counsel on instructions from ASI Hem Raj and learned counsel for the complainant submitted that the challan has already been presented and after framing of charges, the case is fixed for prosecution evidence.

[8]. At this stage, without adverting to the merits of the case, I am of the view that petitioners namely Bijender @ Meenu and Anoop, who are in custody since 01.02.2019 and 30.10.2018 respectively, can be enlarged on bail.

[9]. In view of above, both the petitions are allowed. Petitioners namely Bijender @ Meenu and Anoop are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

January 10, 2020

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No