

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 10.02.2021

1. CRM-M No.1457 of 2021

Vikas
.....Petitioner
Versus
State of Haryana
.....Respondent

2. CRM-M No.1822 of 2021

Sumit @ Mani
.....Petitioner
Versus
State of Haryana
.....Respondent

3. CRM-M No.3658 of 2021 (O&M)

Pawan @ Poni
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vijay Lath, Advocate
for the petitioner (in CRM-M-1457-2021)

Mr. Sandeep Gahlawat, Advocate
for Mr. Deepak Vashishth, Advocate
for the petitioner (in CRM-M-1822-2021)

Mr. Lokesh Sharma, Advocate
for the petitioner (in CRM-M-3658-2021)

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Neeraj Sheoran, Advocate
for the complainant (in all the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the
petitioners namely Vikas, Sumit @ Mani and Pawan @ Poni in FIR

No.392 dated 24.10.2020 registered under Sections 148, 149, 307, 323, 506 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, at Police Station Sadar Jind, Tehsil and District Jind.

Counsel for the petitioner(s) has argued that as per the allegations in the FIR, registered at the instance of Vinod, he is running a Dhaba by the name Bittu Dhaba and adjoining to his Dhaba, there is another Dhaba, namely Natraj Dhaba, which is run by the co-accused Kala. It is further stated that on account of the business rivalry Kala, Aman, Rishi, Rohit and Himanshu and one another person, by holding bricks and stones in their hands suddenly started giving blows to the victim and his workers namely Sanjay, Vikram, Satya Narain and Vasik. It is further stated in the FIR that Aman and Rishi called Kala and thereafter, fired upon them, however, nobody was injured. It is further submitted that the petitioners namely Vinod and Pawan are in custody since 24.10.2020 whereas, the petitioner namely Sumit @ Many, is in custody since 04.11.2020.

Counsel for the petitioners has also submitted that challan stands presented against the petitioners and they are not involved in any other case. Lastly, it is argued that without prejudice to their right of defence, the petitioners are ready to deposit a sum of Rs.5,000/- each to the complainant/victim – Vinod.

Counsel for the State assisted by counsel for the complainant and on the basis of the FIR, could not dispute the factual position but opposed the prayer for bail. It is also not disputed that challan has been presented.

Counsel for the complainant has also not disputed that the petitioners are not involved in any other case.

Without commenting anything on merits of the case, considering the fact that challan stands presented against the petitioners; they are not involved in any other case; the petitioners namely Vinod and Pawan are in custody since 24.10.2020 whereas, the petitioner namely Sumit @ Mani, is in custody since 04.11.2020 and without prejudice to their right of defence, the petitioners are ready to deposit a sum of Rs.5,000/- each to the complainant/victim – Vinod, these petitions are allowed and the petitioners namely Vikas, Sumit @ Mani and Pawan @ Poni, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The petitioners Vikas, Sumit @ Mani and Pawan @ Poni are also directed to deposit the amount of Rs.5,000/- each with the Illaq Magistrate within a period of 30 days from today and the same will be further handed over to the complainant/victim – Vinod.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No