

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5181-2021 (O&M)
Date of decision: 10.02.2021

Ankit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in FIR No.172 dated 20.06.2019 under Sections 148, 149, 323, 355, 365, 506 IPC and Sections 3 & 4 of SC&ST Act, registered at Police Station Gohana Sadar, District Sonapat; earlier two were dismissed as withdrawn on 27.01.2020 and 15.12.2020.

Learned counsel for the petitioner submits that new ground for filing this petition is that co-accused Ajay, qua whom similar allegations are levelled in the FIR, has already been granted the concession of regular bail vide order dated 13.08.2020 passed in CRM-M-21509-2020. The operative part of the order reads as under: -

“...The FIR was registered at the instance of Tushar wherein it has been alleged that on 16.6.2019, when he was standing at Bus Stand Shamdi, Ajay and Ankit came there and pointed a knife towards his stomach and touched his stomach with the said knife and made him sit on a bike and took him to a lonely place where another 3-5 persons were already present. It is alleged that Sunny started urinating on his face and when he objected to the same then Ajay and Ankit hurled abuses while stating that this is what the complainant deserves and spoke contemptuously regarding the caste of the complainant and stated that they would show the complainant his place and status. When the complainant tried to run away, the said persons started giving beatings to him mercilessly and threatened to kill him. It is alleged that the said persons were armed with 'sticks' and 'wooden handles of spades'. Sunny is also stated to have made video-recording of the occurrence and later when the complainant fell down unconscious on account of merciless beatings, the accused left thinking that the complainant had expired. Subsequently, the complainant was found by one boy Neera, who took him home. Later, the complainant was taken to hospital where he remained under treatment. Subsequently, the complainant went to the police station but on account of the influence of fathers of two of the accused namely Ankit and Sunny, the police did not take any action

immediately and got a compromise effected. However, when the complainant came out of the police station, the accused Sunny took out a pistol and again threatened him and while speaking contemptuously about the caste of the complainant. It is also alleged that later the video recording of the beatings given to the complainant was also made viral.

3. Learned counsel for the petitioner has submitted that the petitioner who is aged about 19 years has been falsely implicated in the present case and that he has clean antecedents and is not involved in any other case. It has further been submitted that in any case the petitioner as of now has been behind bars since the last more than one year and as such he deserves the concession of bail especially since another co-accused namely Deepak Kumar has already been granted bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner happens to be one of the main accused who had abducted the complainant with the help of 'knife', no case for grant of bail is made out. Learned State counsel, upon instructions from ASI Dinesh has however, informed that the petitioner is not involved in any other case and has been behind bars since 23.6.2019. It has further been informed that as on date only 2 out of the cited 18 PWs have been examined.

5. I have considered rival submissions addressed before this

Court. Keeping in view the fact that the petitioner is aged 19 years and is not involved in any other case and that he has already suffered incarceration for about one year and the trial in its normal course is not likely to be immediately concluded and only 2 out of the cited 18 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

For the sake of brevity, the allegations in the FIR are not reproduced here, as the same are already noticed in the aforesaid order.

Learned counsel for the petitioner further submits that the allegations against the petitioner and co-accused Ajay are that by showing the knife, they forced the victim to sit on the bike in between both of them and later on, he was taken to lonely place and thereafter, they urinated on his face. It is further submitted that the petitioner is in custody since 23.06.2019 and there is a delay of 05 days in registration of the FIR. It is also submitted that the petitioner is not involved in any other case and out of total 18 prosecution witnesses, only 02 PWs have been examined so far, therefore, it will take long time in conclusion of the trial.

Learned State counsel could not dispute the factual position.

Without commenting anything on merits of the case, considering

the fact that the petitioner is in long custody and his co-accused Ajay has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No