

In virtual Court

CRM-M-5148-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5148-2021 (O&M)
Date of decision: 19.05.2021

Rahul @ Bholu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Vijay Dahiya, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-13824-2021

For the reasons stated in the application, same is allowed and date
of hearing is preponed from 26.08.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.558
dated 16.12.2020 under Sections 148, 149, 323, 325, 506, 120-B IPC and
Section 3 of SC&ST Act (added later on), registered at Police Station City
Gohana, District Sonapat.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant/victim Sanjay, he is running a grocery depot in the village and he had some previous dispute with Rajender, father of the petitioner, which was later on settled, however, Rajender was keeping a grudge against him and on the date of incident, he along with his son Rahul @ Bholu (petitioner) and other accused, came to his shop and caused injuries with their respective weapons. Learned counsel has relied upon the order dated 29.01.2021 passed in CRM-M-3445-2021, vide which co-accused Vikas and Deepak have been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Sanjay, on a previous occasion, about two years ago, he had gone to Village Gangeshar, where an altercation took place between him and co-accused Rajender, however, the matter was settled. On the date of incident, Rajender along with his son Bholu and 2-3 other persons, on motorcycles, came and caused injuries to the victim. It is further submitted that petitioner No.1 Vikas is not named in the FIR and allegations against petitioner No.2 are of causing simple injury. It is also submitted that both the petitioners are in custody since 21.12.2020 and no motive is attributed to them. Learned counsel further submits that one of the co-accused namely Rinku has already been granted the concession of anticipatory bail vide order dated 18.01.2021 passed in CRM-M-2395-2021.

Learned State counsel has not disputed the factual position.

Without commenting anything on merits of the case, considering the allegations in the FIR against the petitioners, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned...”

Learned counsel for the petitioner further submits that during the investigation, the police has found father of the petitioner, namely Rajender to be innocent and he has been kept in column No.2, whereas the petitioner was arrested on 24.12.2020 and since then, he is in custody. It is further submitted that the challan has already been presented and it will take some time in conclusion of the trial.

Learned counsel for the petitioner has additionally argued that there is a marriage in the family of the petitioner on 23/24.05.2021 and the petitioner, being brother of the bride, has to attend the same for performing some rituals.

Learned State counsel has not disputed the fact that challan has not been presented against father of the petitioner, namely Rajender, against whom there were allegations of previous enmity and the petitioner is in custody for the last about 05 months. It is also not disputed that other accused have already been released on bail.

Learned counsel for the complainant has opposed the prayer for bail on the ground that there are allegations of abusing the victim by the name

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of his caste.

Without commenting anything on merits of the case, considering the fact that the petitioner is not a previous offender; he is not involved in any other case, as per the custody certificate; investigation is complete and due to COVID-19 situation, the trial is not likely to proceed, 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

19.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No