

221

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6165 of 2021 (O&M)

Decided on: 16.02.2021

Maninder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Vijay Dahiya, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.558 dated 16.12.2020, for offence punishable under Sections 148, 149, 323, 325, 506, 120-B of the Indian Penal Code, 1860 (in short 'IPC') (Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, added later) registered at Police Station Gohana City, District Sonapat.

Counsel for the petitioner has relied upon the order dated 10.02.2021 passed in CRM-M No.3056 of 2021 vide which one of the co-accused of the petitioner namely Monu was granted the concession of regular bail. The operative part of the said order, reads as under:-

“Counsel for the petitioner has submitted that the petitioner was initially not named in the FIR. Counsel for the petitioner has relied upon the order dated 29.01.2020 passed in CRM-M No.3445 of 2021, wherein the co-

CASE HEARD THROUGH VIDEO CONFERENCING

accused of the petitioner namely Vikas and another, have been granted the concession of regular bail. The operative part of the said 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 months 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/Ilqa Magistrate/Duty Magistrate, concerned.”

Counsel for the petitioner has further submitted that, in fact, it is a case of the complainant that he had an enmity with the co-accused Rajinder Pandit and a dispute arose 02 months ago, which was later on compromised, however, keeping a grudge in his mind, Rajender and his son Rahul @ Bholu, caused injuries to the petitioner along with Amit and Deepak @ Monty. It is further submitted that the name of the petitioner later on, surfaced in the disclosure statement of the co-accused and one of the co-accused of the petitioner namely Rinku has also been

CASE HEARD THROUGH VIDEO CONFERENCING

granted the concession of anticipatory bail vide order dated 18.01.2021 passed in CRM-M No.2395 of 2021.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail on the ground that apart from causing injuries to the victim, the accused have also committed the offence under Sections 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner have already been granted the concession of regular bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Counsel for the petitioner has submitted that the allegations against the petitioner are identical in nature and no motive is attributed towards the present petitioner Maninder. It is further submitted that the petitioner is not named in the FIR and therefore, in the absence of any test identification parade, his identity is disputed.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq

CASE HEARD THROUGH VIDEO CONFERENCING

Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

16.02.2021
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No