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

**CRM-M No.6714 of 2021(O&M)
Date of Decision: 18.02.2021**

Rakesh @ Nandu

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.486 dated 25.11.2018 registered under Sections 148, 149, 323, 324, 326, 452, 307 IPC and Section 25 of the Arms Act at Police Station Kurukshetra University Kurukshetra, District Kurukshetra.

Earlier CRM-M No.35374 of 2020 was ordered to be dismissed as withdrawn vide order dated 11.09.2020.

As per prosecution case, FIR was registered at the instance of complainant Anil Kumar with the allegations that on 24.11.2018 at about 11:30 PM, he along with his son Saurabh and nephew Deepak was sleeping in outer room of his house. They heard some noise of breaking open the outer gate. They also heard abuses. Son of the complainant namely Saurabh went outside. Ravi @ Gorkha opened fire which went passed over his head without causing any injury. There were many persons with Ravi @ Gorkha. They assaulted the complainant. Anoop Barwa hit the complainant with sword on his hand. The complainant tried to ward off the blow with his left hand, resulting in chopping off his little figure. Petitioner inflicted gandasas blow on his hand and the blow landed on his little figure. Anoop Barwa attacked three times with sword at the back of the complainant, resulting in bleeding from the back. Cheema also hit the complainant on his left thigh with danda. Mohit Pandit also hit the complainant with a lathi blow on his left ankle. Anoop Barwa again attacked the complainant twice on his head with sword.

Learned counsel for the petitioner submitted that all the accused, except the petitioner have been granted bail in different petitions filed in the High Court. PW3 and PW4 have not supported the case of the prosecution and have been

declared hostile qua all the accused except the petitioner and Ravi @ Gorkha. Learned counsel further submitted that PW3 has tried to improve the prosecution case by deposing that Ravi @ Gorkha intended to give a sword blow in his neck and he raised his left arm and the blow ultimately struck against the litte figure and the same was chopped off.

So far as recovery from the petitioner is concerned, learned State counsel on instructions from SI Baljeet Singh very candidly submitted that only a danda was recovered from the petitioner. However, petitioner is involved in other cases of similar nature.

Learned counsel for the petitioner submitted that the petitioner is on bail in other cases.

Petitioner is in custody since 08.12.2018. Out of 36 prosecution witnesses, only 9 witnesses have been examined so far.

Taking into consideration the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

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

February 18, 2021
Prince

(RAJ MOHAN SINGH)
JUDGE

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