

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8667-2021 (O&M)
Date of decision: 03.03.2021

Rohit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Kamaljeet Dahiya, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.392 dated 24.10.2020 under Sections 148, 149, 307, 323, 506 IPC and Section 25/54 of Arms Act (Section 120-B IPC was added later on), registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner relies upon the order dated 10.02.2021 passed in CRM-M-1457-2021, CRM-M-1822-2021 and CRM-M-3658-2021, vide which co-accused Vikas, Sumit @ Mani and Pawan @ Ponni have been granted the concession of regular bail. The operative part of the order

reads as under: -

“...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 @ Many, 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...”

Custody certificate dated 02.03.2021 filed in the Court today, is taken on record.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that the petitioner is one of the main accused and he has been named in the FIR, who has caused injuries to the victim as well as damage to dhaba of the complainant.

In reply, learned counsel for the petitioner has submitted that without prejudice to his right of defence, the petitioner is ready to deposit

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Rs.25,000/- with the Illaqa Magistrate, to be paid to the victim.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties, 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.

This will, however, be subject to the condition that the petitioner will deposit an amount of Rs.25,000/- with the Illaqa Magistrate within a period of 30 days from today and the same will be handed over to complainant-victim Vinod.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.03.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No