

In virtual Court

CRM-M-18456-2021

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

**CRM-M-18456-2021 (O&M)
Date of decision: 17.05.2021**

Sagar and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tejeshwar Singh, Advocate
for the petitioners.

Mr. Vishal Kashyap, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.512 dated 09.09.2019 under Sections 148, 149, 307, 323, 506 IPC and Section 25 of Arms Act, registered at Police Station Sonipat City, District Sonipat.

Learned counsel for the petitioners submits that both the petitioners are young men aged about 20 years and are students of Institute of Hotel Management and Catering Technology and Applied Nutrition, Panipat and Government Industrial Training Institute, Julana, Jind, respectively. It is further submitted that the petitioners are first offenders and are in custody for the last about 03 months and 26 days. Learned counsel relies upon the order dated

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05.03.2020 passed in CRM-M-8792-2020, vide which co-accused Abhimanyu Singh was granted the concession of regular bail, noticing that another co-accused Deepanshu @ Sukha had been granted the concession of regular bail.

The operative part of the order reads as under: -

“...Learned counsel for the petitioner relies upon the order dated 12.02.2020 passed in CRM-M-5581-2020, vide which co-accused Deepanshu @ Sukha has been granted the concession of regular bail, operative part of which reads as under: -

“Prayer in this petition is for grant of regular bail in FIR No.512 dated 09.09.2019 under Sections 148, 149, 307, 323, 506 IPC and Section 25 of Arms Act, registered at Police Station City Sonapat.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Amit, when he was sitting in his shop about 10 days before registration of the FIR, some young boys, while holding weapons, came to his shop and attacked him and they were Abhimanyu, Sahil, Ritik, Pankaj and Aman. He had given a complaint to the police, however, no action was taken. It is further stated that on the date of incident, the aforesaid persons again came to his shop; one person was holding a sword, whose name he do not know and another boy of Village Tharu namely Shilu came and asked him who is

Amit and then he signalled the others and one person fired a shot, which hit on the hand of his friend Saurabh. Thereafter, the aforesaid boys attacked upon him with lathis, danda and sword and after inflicting the injuries, they fled away.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and his name surfaced later on. As per the statement recorded under Section 161 Cr.P.C. of injured Saurabh, in which he has stated that the person, who was carrying sword, was named as Shilu and the petitioner was not named even in the statement. It is further submitted that the petitioner is a student and in fact, it was a dispute between the complainant and one Sarvesh, as complainant Amit and Saurabh used to tease sister of Sarvesh and in this regard, she has given a complaint to the police on 31.08.2019 but no action was taken. When the sister of Sarvesh approached the higher police officials, FIR No.579 dated 09.10.2019 under Sections 341, 354, 506 IPC was registered at Police Station City Sonapat. It is thus submitted that the petitioner has been falsely roped in the case just because he was known to said Saurabh.

Learned State counsel, on instructions from SI Satvir,

has not disputed the factual position, however, submitted that the sword was recovered from the petitioner...”

Learned counsel for the petitioner submits that in the aforesaid order, it is wrongly observed that the injury invoking Section 307 IPC is attributed to petitioner Abhimanyu, whereas, as per allegations in the FIR, it is attributed to co-accused Shilu, as the complainant has stated that Shilu came and asked him, who is Amit and thereafter, the person, who was with said Amit, signalled towards him and said that he is Amit and fired shot at him with an intention to kill and bullet crossed from his right side and struck in the hand of his friend Sorabh, who was sitting by his side. It is thus submitted that in fact, no injury is attributed to the petitioner. Learned counsel further submits that the petitioner is in custody since 13.09.2019; he is not involved in any other case; investigation is complete; challan stands presented....”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioners has further relies upon the affidavits filed by both the victims namely Amit son of Vinod as well as Saurav son of Kuldeep, wherein it is stated that they have mistakenly named the petitioners in the FIR, whereas they are not involved in the commission of offence.

Learned State counsel has filed the custody certificates dated 15.05.2021 of both the petitioners in the Court today and has not disputed the

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factual position, however, it is submitted that the affidavits of the victims are yet to be examined by the trial Court, while recording their statements.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioners are not attributed grievous injuries and two of their co-accused have already been released on bail, whereas the petitioners are young students and are no more required for custodial interrogation, 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.

[ARVIND SINGH SANGWAN]
JUDGE

17.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No