

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

223 (2 cases)

CRM-M-22783-2021

Date of decision:- 29.06.2021

Rahul alias Tilli

... Petitioner

Versus

State of Haryana

... Respondent

CRM-M-23392-2021

Date of decision : 29.06.2021

Rajat @ Rajat Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Namit Khurana, Advocate
for the petitioner (in CRM-M-22783-2021).

Mr. Ashit Malik, Advocate
for the petitioner (in CRM-M-23392-2021).

Mr. Gurmeet Singh, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This order shall dispose of two petitions for bail bearing Nos. ***CRM-M-22783-2021 titled as “Rahul alias Tilli versus State of Haryana” and CRM-M-23392-2021 titled as “Rajat @ Rajat Kumar versus State of Haryana”.***

Petitioners have filed petitions under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.3 dated

03.01.2021 under Sections 148, 149, 307, 323, 341, 452, 506 and 509 of the Indian Penal Code, 1860 and Section 3 (2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Ladwa, District Kurukshetra.

FIR (Anneuxre P-1) has been registered on the complaint of Mukesh Kumar on the allegation that on 03.01.2021 when his wife was sweeping the lane, Balinder came on the spot and hurled abuses at her. Upon hearing the commotion, the complainant came on the spot and hot words were exchanged between the parties and Balinder threatened to teach them a lesson. Later, Balinder accompanied by Raj Kumar, Tilli (petitioner in CRM-M-22783-2021), Rajat (petitioner in CRM-M-23392-2021), Sumit, Joni and 6-7 other boys with muffled faces came and attacked the complainant and his family members and inflicted injuries upon them. During the course of investigation, the petitioners were arrested on 05.01.2021.

Counsel representing the petitioners have urged that though both the petitioners have been named in the FIR but neither the injuries attracting Section 307 of the Indian Penal Code, 1860 nor the allegations under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been levelled against them. It has been contended that accused - Rajat was standing on guard outside the house when the other accused allegedly attacked the complainant and his family. In other words, it has been submitted that Rajat did not inflict any injury to any of the parties. On behalf of accused - Rahul @ Tilli, it has been urged

that the attribution qua him is of giving fist blows to the injured. Reliance has been placed upon order dated 28.05.2021 (Annexure P-3) passed in CRM-M- 20713-2021, whereby co-accused Joni has been granted the concession of regular bail by this Court. Counsel have asserted that the petitioners have clean antecedents, investigation is complete, challan has been presented, therefore, they deserve to be enlarged on bail.

Opposing the petition, learned State counsel upon instructions from DSP Bharat Bhushan, could not dispute the factual position as urged by the counsel for the petitioners. He submits that injuries on Rikhi Ram and Mukesh have been declared to be dangerous to life resulting in the attraction of Section 307 against the accused. Upon further instructions, he submits that no recovery has been effected from any of the two petitioners. Challan, as per his instructions, has been presented on 04.03.2021 and the trial is fixed for 16.09.2021 for consideration on the framing of charge.

I have considered the rival submissions of the parties.

The case of the petitioners is at par with that of co-accused- Joni, who has been released on bail vide order dated 28.05.2021 (Annexure P-3).

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations, gravity of offences and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioners behind bars any further.

Without commenting anything on the merits of the case, the petitions are allowed and the petitioners, Rahul alias Tilli and Rajat alias Rajat Kumar are ordered to be released on bail on their furnishing

bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

29.06.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No