

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

-.-

CRM-M-24445-2021

Date of decision : 30.07.2021

Sourbh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S. S. Duhan, Advocate for the petitioner

Ms. Ambika Sood, Addl. AG Haryana

Mr. Shubham Kaushik, Advocate for the complainant

ALKA SARIN, J.

Heard through video conferencing.

This is the second regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in FIR No.479 dated 11.08.2020 (Annexure P-1) under Sections 387, 395, 506 IPC (Sections 325, 201, 120-B IPC added subsequently) registered at Police Station Hansi City, District Hansi. The first petition under Section 439 CrPC (CRM-M-2562-2021) was dismissed as withdrawn on 25.01.2021.

As per the allegations in the FIR dated 11.08.2020 (Annexure P-1) lodged by complainant Ankit, he was present at his shop Guru Nanak Misthan Bhandar on 11.08.2020 when around 3.20 pm Vikas telephoned him and started abusing him. Ankit also abused Vikas and disconnected the phone. After some time, Vikas alongwith 8-9 boys with muffled faces came there armed with sticks and rods and started beating him. When his parents

Smt. Bina Rani and father Shri Hansraj came to his rescue they caused injuries to them also and took away Rs.60,000/-and a golden chain weighing 30 grams. The complainant started screaming “maar diya maar diya” and people started collecting. While leaving they told the complainant to arrange for Rs.5 lakhs within two days else he would be eliminated. On 10.08.2020 Vikas’s henchman Kaku and Prince @ Ghanu had also conducted a recce.

The counsel for the petitioner has urged that the petitioner has been falsely implicated in the case. The complainant has levelled false allegations against the petitioner and there is no role attributable to the petitioner in the FIR. The challan has been present and further recoveries are to be made. He has also contended that after the withdrawal of the first petition for regular bail the circumstances have changed as one of the co-accused has since been granted anticipatory bail by this court in CRM-M-43565-2020. Challan stands presented and there are no recoveries to be made. Additionally the period of custody has since increased.

Learned State counsel has opposed the bail petition. A reply dated 22.07.2021 by way of affidavit of Shri Vinod Shankar, HPS, Deputy Superintendent of Police, Hansi has been filed stating inter-alia that as per the MLRs there were four injuries on the person of Ankit, one injury on the person of Shri Hansraj and two injuries on the person of Smt. Bina Rani. The injuries of Ankit and his mother Smt. Bina Rani were found grievous in nature. The petitioner was named by accused Vikas in his disclosure statement. The petitioner was arrested on 12.08.2020 and in his disclosure statement had stated that he along with other co-accused had caused injuries

on 11.08.2020 to Ankit, his father and mother and looted Rs.60,000/- and one gold chain. One iron pipe and Rs.1,950/- were recovered from the petitioner. The final report under Section 173 CrPC against the petitioner and others was submitted in Court on 10.11.2020 and the case is now fixed on 17.09.2021 for framing charges. There are 17 PWs in the case. According to the reply, the petitioner is also involved in FIR No.285 dated 06.06.2018 under Sections 147, 148, 149, 323, 341, 506 IPC which is under trial.

Counsel for the complainant has urged that several witnesses have to be examined and the petitioner may abscond or influence the witnesses and therefore the petitioner ought not to be released on bail. He stressed that the petitioner was part of a group which caused grievous injuries to him and his mother and if released on bail may threaten or cause injury to the complainant and his parents.

I have heard learned counsel for the parties.

In the present case the petitioner is not named in the FIR. The investigations stand completed and no further recoveries are to be made. The trial will determine whether the grievous injuries suffered by the complainant are attributable to the petitioner or any other accused. In view of the above and without commenting upon the merits of the case and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic and also the fact that the petitioner has been behind bars since 12.08.2020, no useful purpose would be served by keeping the petitioner behind the bars any further. This Court, therefore, deems this to be a fit case for grant of regular bail to the

petitioner. The petitioner is directed to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

July 30, 2021
tripti

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO