

205

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

**CRM-M No.36945 of 2020(O&M)
Date of Decision: 11.01.2021**

Ravi @ Gorkha

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Munish Mittal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt 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.

Earlier CRM-M No.24598 of 2020 was got dismissed as withdrawn on 04.09.2020.

The FIR was registered at the instance of the complainant Anil Kumar with the allegations that on 24.11.2018 at about 11:30 PM, he, his son Saurabh and nephew Deepak were sleeping in outer room of his house. They heard some noise of breaking open the main gate and also some abuses. Saurabh went outside. Petitioner fired upon him with a country made pistol. The bullet went passed over his head without causing any injury. There were many persons with the petitioner. They assaulted the complainant. Anoop hit the complainant with sword on his hand. The complainant tried to ward off the blow with his left hand, resulting in chopping off of his little finger. Nandu Pandit inflicted *gandasi* blow on his hand and the blow landed on the little finger. Anup Barwa attacked three times with his sword at the back of the complainant, resulting in bleeding from the back. Cheema also hit the complainant on left thigh with the danda. Mohit Sharma also gave a lathi blow on the left ankle of the complainant. Anoop again attacked twice with his sword on the head of the complainant.

Learned counsel for the petitioner submitted that all the accused except the petitioner and Nandu Pandit have been granted bail by the High Court. Petitioner is in custody since 05.12.2018. The bullet allegedly fired by the petitioner did not hit

anyone. Offence under Section 307 IPC has been added simply because of the alleged fire done by the petitioner. The injury in respect of chopping off of little finger is attributed to Anoop who has also been granted bail by the High Court vide order dated 27.10.2020 passed in CRM-M No.32568 of 2020. Co-accused namely Harsh @ Harshit, Surender @ Sinder, Rahul Malik, Gulshan and Mohit Sharma have also been granted bail by the High Court. Learned counsel makes reference to CRM-M No.23490 of 2020 decided on 24.08.2020, CRM-M No.17847 of 2020 decided on 24.07.2020, CRM-M No.11151 of 2020 decided on 08.07.2020 and CRM-M No.8514 of 2020 decided on 04.09.2020 in this regard.

Learned counsel further submitted that the prosecution witnesses viz PW3 and PW4 have not supported the case of the prosecution and they have been declared hostile qua all the accused except the petitioner and Nandu Pandit. Out of total 36 prosecution witnesses, only 9 prosecution witnesses have been examined so far.

Learned counsel for the complainant however submitted that the injury on the finger of the complainant is attributed to the petitioner. He referred to the statement of the complainant PW3, wherein the complainant has stated that the petitioner intended a sword blow on his neck and he raised his

left arm and the blow struck his little finger and little finger was amputated/chopped off.

Learned State counsel on instructions from SI Bir Singh submitted that only country made pistol has been recovered from the petitioner and there is no recovery of sword from the petitioner.

At this stage, keeping in view the status of the trial, custody of the petitioner, the situation arising out of pandemic COVID-19 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner 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.

11.01.2021

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No