

**CRM-16350-2021 in/and
CRM-M-42877-2020**

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

**CRM-16350-2021 in/and
CRM-M-42877-2020
Date of Decision: 01.07.2021**

Dinesh @ Tanni

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate and
Mr. Ishant Khangwal, Advocate for applicant-petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Ram Bilas Gupta, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)
CRM-16350-2021

This application is for preponing the date of hearing of the main case to an early date as well as for placing on record Annexures P3-P6.

As the main case has already been listed today, the present request for preponement is rendered infructuous. Annexures P3-P6 are taken on record.

Application is disposed off.

CRM-M-42877-2020

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.143 dated 23.03.2020 registered under Sections 147/148/323/506/452/427/379-B/120-B/325/307

IPC at Police Station NIT, Faridabad. The petitioner is in custody since his arrest on 01.06.2020.

The FIR was registered on the basis of statement of Pardeep Kumar and the allegations noticed by the Addl. Sessions Judge, Faridabad in the order dated 03.11.2020, while declining the bail application of petitioner, read as under:

“In nutshell, the prosecution case is that on 23.02.2020 Pardeep Kumar came to the Police Station and moved an application stating that two days ago, there was some altercation of his brother Yogesh with Vinay, Manish and Raju in Vivekanand Park. He alleged that in view of enmity, on dated 22.03.2020 at about 11.30 PM to 12.15 AM, after making planning, Raju and Manish came to their house and had assaulted him. They overturned the cot of his father, who ran away and intimated to him and his maternal uncle Lala. He and his maternal uncle came on the spot and saw that Madhav, Vijay, Manish, Raju, Aman, Deepak Nagar, Manu, Tunny along 4-5 more persons were beating Yogesh. He also alleged that Madhav, Raju and Vijay were armed with iron pipes, Manish was armed with brick and gave a blow on the head of Yogesh and other accused were armed with danda and were beating his brother Yogesh. The complainant and his maternal uncle Lala intervened and rescued him. They also inflicted injuries on their person and ran away in their three vehicles i.e. Santro, Swift and Bolero. The part of the incident was recorded in CCTV footage. When he took care of his brother, it was found that gold chain and Rs.6,000/- were found missing from his pocket. It has also alleged that they had damaged the household items and Rs.50,000/- were found missing from the house and prayed that action be taken against them. On the basis of the contents of the application, offence under Sections 147, 148, 323, 506, 452, 427, 379B, 120B of IPC was made out and the subject FIR was lodged.”

Learned counsel for the petitioner has argued that though the petitioner is named in the FIR, but no specific role has been attributed to him, and the offence punishable under Section 307 IPC was added later on.

He has pointed out that the co-accused of the petitioner have already been

released on bail either by the trial Court or by this Hon'ble Court. He has drawn the attention of the Court to one such order passed in respect of co-accused Aman, who was released on bail vide order dated 20.05.2021 (Annexure P-4). He further submits that as no prosecution witness has been examined so far, therefore, the trial will take considerable time to conclude. He prays for bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the prayer and argued that the offence is serious and the petitioner also participated in the crime. According to them, the victim is yet to be examined, therefore, the petitioner does not deserve the concession of bail. Learned counsel for the complainant has pointed out that the victim is still bed ridden and the injuries caused to him were extremely dangerous to life.

At this stage, Mr. Kunal Dawar, learned counsel for petitioner has pointed out that the trial Court while granting bail to the co-accused Madhav and Manoj @ Mannu has noticed the conduct of the injured, who is attending parties and posting his photographs on social media. Apart from it, in another case, he has entered into compromise and appeared before the Court also.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the charges have been framed on 15.12.2020, but the trial is yet to commence. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 01.06.2020.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Faridabad.

The petition is allowed.

01.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No