

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-1097-2022

Date of decision: - 17.01.2022

Narinder Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amrainder Singh, Advocate, for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Ms. Kiran Bala Jain, Advocate, for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.266 dated 17.12.2021, under Sections 148, 149, 341, 307, 395, 427 and 120-B IPC, registered at Police Station Sadar Ambala.

Present FIR has been registered on the statement of Mahender son of Sardar Karam Singh, who alleged that he did the business of liquor vends and one plot measuring 540 square yards is in his name. It is further alleged that one Ankit Rana and his accomplices intended to take forcible possession of the said plot and had threatened to kill the complainant and his family members and with respect to the same, complainant got an FIR bearing No.318 dated 15.12.2021 lodged and on

account of the same and the said grudge, Ankit Rana found the complainant when he was alone and arrived there with deadly weapons and damaged the vehicle of the complainant and caused injuries on the legs of the complainant with rods. The injuries were also caused on both arms and as well as on the head and thereafter, the said Ankit Rana and unidentified accomplices, who had attacked the complainant, had run away and in the said process, they had also taken away Rs.1-1.25 lakhs lying in the car.

Learned counsel for the petitioner has submitted that the petitioner is a 57 year old person and has been falsely implicated in the present case. It is argued that the petitioner has been implicated on account of the fact that he is the father of Ankit Rana and in fact, the said petitioner has not even been named in the FIR. It is further argued that the petitioner has not been attributed any injury or any overt act as per the FIR and since the complainant party knew the present petitioner, thus, non-mentioning of the name of the petitioner in the FIR would clearly show that he is not involved in the incident. It is submitted that the petitioner was called for inquiry by the police since his son is involved in the present case and the petitioner had gone to the police station in order to cooperate with the inquiry, where he was illegally arrested under the garb of Section 120-B IPC. It is also stated that the petitioner is an employee of MPN College, Mullana, District Ambala and is serving as a Clerk since a long time and is on the verge of retirement. It is further submitted that the petitioner has been in custody since 17.12.2021 and is not involved in any other case and thus, deserves the concession of

regular bail.

On the other hand, learned State counsel, on instructions from SI Balwinder Singh, has submitted that son of the petitioner, namely, Ankit Rana has been arrested on 15.01.2022 along with his six criminal associates. Learned State counsel has opposed the present bail petition for regular bail, but could not dispute the said facts, as raised by learned counsel for the petitioner.

Learned counsel appearing on behalf of the complainant has submitted that in the present case, the petitioner is the master-mind behind the occurrence. It is argued that it was the petitioner, who had sent his son and other persons, to attack the complainant. It is further argued that there are several cases against accused Ankit Rana and his associates and they have a gang of usurping properties of the persons and committing the offence of dacoity also. It is also submitted that eight injuries, including the injuries grievous in nature, have been caused to the complainant.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that in the FIR the petitioner has not been named and no overt act has been attributed to him. The allegation in the FIR with respect to the injuries caused to the complainant is against Ankit Rana and his accomplices. As per the FIR, the petitioner has not been attributed any overt act, much less, being present at the spot or having caused any injury to any person. The argument of learned counsel for the complainant to the effect that the present petitioner is the master-mind

also does not reflect from the FIR. At any rate, it is not in dispute that there are no allegation of any injury having been inflicted by the present petitioner. The accused Ankit Rana and his six other accomplices have already been arrested. Petitioner is stated to be an employee of MPN College, Mullana, District Ambala and is serving as a Clerk and has not been involved in any other case. The petitioner has been in custody since 17.12.2021 and the trial is likely to take time, moreso, in view of the present pandemic and the petitioner is not involved in other case and thus, the present petition for grant of regular bail deserves to be allowed.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM / Illaqa Magistrate, and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences any witness then it would be open to the State to move an application for cancellation of bail of the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

January 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No