

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4914-2022

DATE OF DECISION: APRIL 5, 2022

NAVEEN YADAV

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ANMOL RATTAN SINGH, SR. ADVOCATE
WITH MR. SUKHCHARAN SINGH GILL, ADVOCATE
FOR THE PETITIONER.

MR. BHUPENDER SINGH, DAG, HARYANA.

MR. SANT SARAN, ADVOCATE
FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0413 dated 7.10.2021, under Section 147, 149, 323, 325, 506 IPC (Section 149 IPC deleted and Section 148, 307, 120-B IPC added later on), Police Station Palam Vihar, District Gurugram, who is in custody since his arrest on 22.10.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Gurugram in the order dated 24.12.2021 , are as under:-

“Tersely put, the FIR was registered after the police received information from Columbia Asia Hospital of Palam Vihar that one Dev Kumar has been admitted in the hospital for treatment for the injuries caused after an assault. ASI Dev Dutt reached the hospital where he

obtained the ruqqa and the MLR and after obtaining the opinion of the doctor regarding the fitness of the state of mind of the injured, recorded the statement of the injured wherein he narrated that he is the President of a NGO named 'Shankhnath Foundation'. He has been making complaints against the contract given by the MCG to the family members of Councilor Shakuntla. The business of collecting the garbage is being done by Naveen Yadav and this is being done in collusion with the senior officers of the MCG and the administration. Previously, in order to silence the voice of the complainant, Naveen Yadav had threatened to kill him but later apologized, therefore, he did not move the complaint to the police despite visiting the police station. Again he was threatened to withdraw the complaint moved against Eco Green in the CM window. He had moved a complaint to the police station regarding this threat to his life. On 04.10.2021 the Joint Commissioner of the MCG had invited the representatives of the Shankhnath Foundation by sending a letter and in this meeting the complainant provided the evidence against the illegal collection of the money by contractor Naveen Yadav and Councilor Shakuntla Yadav. He further alleged that in the morning of 07.10.2021 at about 6.30 A.M. he was sweeping the area outside of his office and in the meanwhile two boys arrived on a motor bike which was not having number plate and four boys came from the other side. He can identify one of the persons who came on the motor-cycle. One boy asked about him and then these boys assaulted with stick and iron rod with intention to kill him due to which he suffered injuries on both his legs and various other organs of the body. He suffered fracture on his arms and legs. This attack was caused by the assailants

*sent by contractor Naveen Yadav and his accomplices.
Action be taken against them.”*

Learned senior counsel for the petitioner has argued that as per prosecution, the injuries were caused to the victim by four unknown persons and later on the petitioner alongwith his driver was implicated as co-accused on the basis of criminal conspiracy. He submits that the injured in all suffered 6 injuries and the injury on the head was found to be simple, whereas rest of the injuries are on the non-vital part of his body, therefore, it would be debatable if the commission of alleged offence punishable under Section 307 IPC would be made out. According to him, the investigation of the case is complete and the final report stands filed on 21.12.2021, but till date, the charges have not been framed. He prays for bail.

On the other hand, learned State counsel assisted by ASI Jitender Kumar as well as learned counsel for the complainant has argued that in fact the petitioner on the strength of his political clout is dominating the garbage collection of the town which is the task carried out by the Municipal Corporation, Gurugram and a suspicion was expressed upon him and his driver who had engaged professional criminals to commit the said crime. He submits that two of the co-accused, namely, Moni and Soni are yet to be arrested and in the said occurrence, the victim was brutally beaten, who suffered multiple fractures, i.e. three on ribs, both legs and an arm. However, learned State counsel does not dispute that the petitioner was not one of those assailants who had caused injuries to the victim, and the petitioner was telephonically in touch with his driver. They have prayed that the petition be dismissed.

After hearing learned counsel for the parties, considering the above background, the custody of the petitioner and the fact that the trial is yet to commence, further detention of the petitioner behind the bars may not be necessary for any useful purpose. The material witnesses are either the injured, his close relatives or police officials and at present there does not seem any possibility for their being won-over.

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 concerned.

The petition is allowed.

April 5, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No