

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

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CRM-M-14083-2022

Date of Decision: 21.09.2022

VIJAY

....Petitioner

V/S

STATE OF HARYANA

....Respondent

CRM-M-32382-2022

Date of Decision: 21.09.2022

HARIOM

....Petitioner

V/S

STATE OF HARYANA

....Respondent

CRM-M-28454-2022

Date of Decision: 21.09.2022

BIJENDER ALIAS RANGA

....Petitioner

V/S

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vikas Gulia, Advocate with
Mr. Bhanu udai, Advocate
for the petitioner in CRM-M-32382-2022
and CRM-M-28454-2022

Mr. Baljeet Beniwal, Advocate and
Mr. Vijay, Advocate
for the petitioner in CRM-M-14083-2022

Mr. Gaurav Bansal, AAG Haryana

AMAN CHAUDHARY, J.

The present petitions have been filed under
Section 439 of Code of Criminal Procedure, 1973 for grant
of Regular Bail to the Petitioners in FIR No. 185 dated

25.05.2021 registered under Sections 148, 149, 323, 341, 506 of IPC, 1860 and Section 302 of IPC (added later on) at P.S. Sadar Gohana, District Sonapat.

Brief facts of this case are that an information in the complaint submitted, it was disclosed that on 24.05.2021 at about 07:00 PM after having a stroll complainant was returning home, when he reached near the Kothra of Gulab, Naveen along with his 5/6 companions who were having Dandas and Bindas suddenly appeared there. The assailants who were on their Motor-Cycles and Car obstructed the path of the complainant and started abusing him. When he asked them not to abuse, all the assailants caused him injuries with slaps, fists and dandas on his chest and various other parts of body. After causing injuries, the assailants fled on their vehicles while giving him threat to life. Also disclosed was that prior to this incident Naveen had also opened a murderous attack in the year 2012 and fired at him regarding which a separate FIR already stands registered. Complainant further stated that that after receiving information about the present incident, his brother Ajay brought him to Gohana for treatment.

Learned counsel for the petitioners submit that they were not named in the FIR and is on basis of a disclosure statement of co-accused Naveen who is named in the FIR and is in custody, that their names surfaced. Learned counsel for the petitioners refer to the statements of PW3, the real brother of the deceased, made before the Court, who have

specifically stated therein that the deceased had fallen down being in a drunken condition and in the cross examination and aslo admitted that he was suffering from Hepatitis 'C'. Learned counsel submits that there is not even an iota of evidence against them in the case. The petitioner, Vijay has been in custody since 30.09.2021 whereas Hariom and Bijender are from 12.09.2021.

Learned State counsel opposes the prayer of the petitioners on the ground that they in connivance with the main accused had assaulted the deceased and consequently, he being injured had died and that there are 04 other cases pending against the accused, Bijender Singh.

In rebuttal, learned counsel for the petitioners submit that out of a total of 26 witnesses, only 06 have been examined. He also submits that though the deceased passed away after 23 days of the alleged incident, yet no statement of his was recorded during this period wherein the petitioners were named or assigned any specific role. Learned counsel for the petitioner-Bijender Singh also submits that he is on bail in all the cases, as stated by the learned State counsel.

Heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the case, in particular that the names of the petitioners have surfaced only on account of disclosure statement of co-accused Naveen, admissibility of which shall be seen during the trial; PW3 and PW4 have also not attributed any role to them nor have supported the prosecution version; petitioners

have been in custody for the last more than one year; only 06 witnesses out of a total of 26 have yet been examined; their further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

In view of the above, this Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

September 21, 2022
NainaRajput

[AMAN CHAUDHARY]
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No