

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215

**CRM-M- 30855 of 2022
Date of Decision:22.07.2022**

Shakti and another

---Petitioners

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Ishita Jain, Advocate
for Mr. Namit Khurana, Advocate
for the petitioners

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioners for grant of regular bail in case bearing FIR No. 200 dated 03.05.2022 registered under Sections 148, 149, 323, 325, 341, 427, 506 and 308 of the Indian Penal Code, 1860 at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

The brief facts of the case are that the instant FIR has been registered at the instance of complaint moved by complainant Tarun Chauhan, inter alia reporting that one Rishi Pandit, Electrician was deployed for some job at his residence and on 02.05.2022, said Rishi Pal kept on doing his job till late hours and at around 11:00 PM, he (complainant) along with his friend Karan had gone to drop said Rishi Pal at his house located near canal patri in the area of Shanti Colony and after dropping said Rishi Pal at his house, when, he alongwith Karan was

returning to his house on motorcycle bearing No. HR-02-R-1715, being driven by him and they reached river patri, then Rajat alias Kalu along with 10/12 accomplices met them and stopped his motorcycle. Rajat alias Kalu started hurling abuses at them and thereafter, said Rajat alias Kalu also inflicted rod blow on the head of Karan while other accomplices of Rajat alias Kalu assaulted both of them with bricks and dandas. They both fell down from the motorcycle and the assailants caused damage to the motorcycle. They saved themselves by rushing from the spot, however, the assailants proclaimed not to spare them on their appearance on river patri in the future and also left the spot. Thereafter, they (complainant and injured) called ambulance and reached Civil Hospital, Yamuna Nagar, where Karan being injured was hospitalized. On the basis of this complaint, the instant FIR, initially, under Sections 148, 149, 323, 341, 427 and 506 of the Indian Penal Code was registered.

During investigation, spot inspection was made and statements of witnesses under Section 161 of the Code of Criminal Procedure were recorded. On the basis of medical opinion regarding nature of injuries on the person of injured Karan, offences under Section 325, 308 of the Indian Penal Code were added. On 06.05.2022, accused Rajat alias Kalu; Raman (petitioner No. 2); and Shakti (petitioner No. 1) were arrested. On interrogation, all the said accused persons suffered respective disclosure statements and in pursuance thereof, accused Rajat alias Kalu got recovered an iron pipe, which was taken into police possession after preparing sketch thereof and after converting into sealed parcel. All the accused persons also got demarcated the place of occurrence. All the said accused were also got identified by the complainant Tarun. Other culprits could not be arrested.

On completion of all formalities of investigation, challan against all the three above named accused was submitted in the Court.

Learned counsel appearing for the petitioners has contended that as per the allegations, there is no specific attribution to the petitioners and after the custodial interrogation of the petitioners, there is no recovery at the instance of the petitioners. The injury attracting Section 308 of the Indian Penal Code is attributable to the co-accused-Rajat alias Kalu. Investigation in the case is already complete and the charge is yet to be framed. She further contends that the petitioners do not suffer any criminal antecedents.

Ms. Amarjit Kaur Khurana, DAG, Punjab appearing on behalf of respondent-State contends that the petitioners were accompanying the main accused- Rajat alias Kalu. It is, however, not controverted by the learned State counsel that the petitioners did not suffer from any criminal antecedents and that no recovery has been effected from the petitioners nor has any specific injury been attributed to them. Learned State counsel also does not dispute the fact that the investigation of the case is already complete and that the charge has so far not been framed.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Without examining the merits of the instant case and taking into consideration the facts noticed above, the clean antecedents, absence of any injury attributable to the petitioners, the period of custody already undergone and the stage of trial, I deem it appropriate to enlarge the petitioners on bail to the satisfaction of the trial Court.

The instant petition is allowed and the petitioners are ordered to

be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

22.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No