

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

Sr. No.205

CRM-M-47227 of 2021

Date of Decision: 28.01.2022

Sumit and others

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. K.S.Dhanora, Advocate for the petitioners.

Mr. Amreek Singh Narwal, DAG, Haryana.

Mr. Jarnail Saneta, Advocate for the complainant.

SANT PARKASH, J.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.826 dated 16.09.2021, registered under Sections 147, 149, 323, 427, 452, 379-B, 294, 506 IPC and Section 25 of Arms Act, 1959 at Police Station Sadar, Hisar, District Hisar.

The allegation against the petitioners are that they along with 15-20 boys went to the shop of complainant's uncle, abused the latter and caused injuries on his person and also took currency from the safe and then entered the house of the complainant armed with danda, rod, sword, knife and pistol and gave beatings to them. A brick blow hit the complainant on his back and he got an injury on his right hand thumb.

Learned counsel for the petitioner contends that the petitioners have been falsely implicated in the instant FIR as the same was got registered after a delay of 24 hours. The petitioners are not named in the

co-accused. Further, no specific allegation has been attributed to the present petitioners. Learned counsel further submits that the petitioners are in custody since 12.10.2021 and during investigation, only a danda was recovered from petitioner No.2 and nothing was recovered from petitioners No.1 and 3.

In compliance of the order dated 14.01.2022 passed by this Court, reply by way of affidavit of Deputy Superintendent of Police, Detective, Hisar on behalf of the respondent State along with custody certificates of all the petitioners has been filed and the same are taken on record.

A perusal of the aforesaid reply would reveal that after registration of the case, investigation of the same was conducted and the MLRs of injured were obtained. The MLR of injured Shamsheer reveals one injury, which was pointed in nature, the MLR of injured Kuldeep reveals two injuries on his person, which are blunt in nature, MLR of injured Amit reveals one injury, which is blunt in nature, MLR of injured Yogesh reveals two injuries, out of which one is pointed and another is blunt in nature, MLR of injured Sahil reveals one injury, which is pointed in nature. During the course of investigation, two persons namely Rakesh @ Kalia and Rahul were arrested and on their disclosure statements, sharp weapons i.e. one sword and gandas barchi were recovered from their possession and present petitioners were also arrested. However, only one wooden danda was recovered from each one of the present petitioners.

I have heard learned counsel for the parties and perused the case file.

In view of the reply filed on behalf of the State with regard to the fact that recovery of only wooden dandas has been effected from the possession of the present petitioners and without commenting on the merits of the case, it is considered as appropriate to release the petitioners on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

Ordered accordingly.

Petition stands allowed.

**(SANT PARKASH)
JUDGE**

28.01.2022
Maninder

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