

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52512-2021 (O&M)
Date of decision: 08.02.2022

Arvind @ Sonu @ Gandhi

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sushil Sheoran, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.385 dated 17.10.2019 under Sections 147, 148, 149, 342, 365, 302 IPC (Sections 120-B & 452 IPC were added during investigation), registered at Police Station Dadri Sadar, District Charkhi Dadri.

Learned counsel for the petitioner submits that FIR was registered on a complaint given by Manto Devi wife of Ram Singh, with the allegations that her sons Sanjay and Rajesh are married and are living separately and another son Pardeep is living with her. Sanjay and Rajesh were married with daughters of Mahabir, namely Anita and Manju. On 16.10.2019, when she and

her husband were at home, then Om Parkash son of Hira Lal, Amarjeet son of Mahavir, Ajay son of Om Parkash and his son Rajesh and his wife Manju, Anita wife of Sanjay, Sonu son of Rajesh, Ravi son of Suresh and Suman wife of Suresh along with 9-10 other persons came to their house and gave beatings to both of them by breaking open the door and thereafter, they went to house of Sanjay. At that time, Umed son of Amar Singh was also with them and he took her son Sanjay with them. In the morning, Rajesh made a phone call that Sanjay has died.

Learned counsel further submits that in the FIR, the petitioner was not named and even in the statement of husband of the complainant/father of deceased Sanjay, namely Ram Singh, recorded under Section 161 Cr.P.C., the petitioner was not named. It is also submitted that during the investigation, police arrested Amarjeet and Ajay and recorded their first disclosure statements on 20.10.2019, in which both of them have not named the petitioner as one of their accomplices, who had caused injuries to Sanjay. Two days thereafter, second disclosure statements of both these co-accused were recorded on 22.10.2019 separately, in which it is stated that when they reached Village Mehrana at house of their sister, they found that their brother-in-law Sanjay was in an inebriated condition and was abusing their sister Manju and brother-in-law Rajesh. When they tried to pacify Sanjay, he started abusing them. At that time, Sonu son of Rajesh, Ravi son of Suresh, Suman wife of Suresh, Balbir son of Harnam and Umesh son of Amar Singh also came there and gave beatings to Sanjay. It is further stated that after giving beatings, they along with their accomplices namely Bablu son of Brahmanand, Parvesh son of Krishan, Amit

son of Kapur, Ajay son of Nagar, Rinku son of Suresh, Matri son of Ramesh and Ravi @ Sonu son of Dharambir took Sanjay with them to their house in Village Kheri Bura and gave severe beatings with fist and kick blows to Sanjay and tied him on the cot with rope, but he still kept abusing them. Thereafter, all of them ran away.

Learned counsel also submits that in second disclosure statements of co-accused Amarjeet and Ajay, name of co-accused Anirudh @ Rinku surfaced and after his arrest, he named the petitioner as one of the accompish, who had taken Sanjay to his house and caused injuries. It is further submitted that co-accused Anirudh @ Rinku, on whose disclosure statement, the petitioner was nominated in the FIR, has already been granted the concession of regular bail vide order dated 12.10.2021 passed in CRM-M-4797-2021.

Learned counsel has next submitted that the petitioner is first offender; he is not involved in any other case; he is in custody for the last 05 months and 25 days and challan has been presented. It is further submitted that one more co-accused Bablu has also been granted the concession of regular bail vide order dated 10.12.2021 passed in CRM-M-47371-2021.

Learned State counsel, assisted by learned counsel for the complainant and on the basis of reply by way of affidavit of Deputy Superintendent of Police, HQ, Charkhi Dadri as well as custody certificate dated 07.02.2022, filed in the Court today, could not dispute the factual position. It has come in the affidavit that after arrest of co-accused Anirudh @ Rinku, he suffered disclosure statement, in which, it has stated that the petitioner was also involved in the crime of kidnapping Sanjay from his house.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 05 months and 25 days; he is not involved in any other case and his name surfaced in the disclosure statement of co-accused Anirudh @ Rinku, who has already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No