

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-123-2022

DATE OF DECISION: FEBRUARY 25, 2022

DINESH @ ASHU SINGH RAWAT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GAURAV GUPTA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.433 dated 1.9.2021, under Section 323/506/307/34 IPC, Police Station Palla, District Faridabad, who is in custody since his arrest on 2.9.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Faridabad, in the order dated 9.12.2021, are as under:-

“Adumbrated facts, as emanating from the prosecution reply are that present case was registered on the complaint of Rakesh Singh alias Lakhan Singh, who had alleged that on 26.08.2021 at about 11.45 p.m. he alongwith his friend Narender was going towards their house from the side of Ismailpur in the vehicle of Narender, which was being driven by Narender and as soon as they reached in front of Dr. Aman’s Clinic, a vehicle bearing registration No. UP-62AY-2222, which was being driven by Suraj, came from the side of village Basantpur and stopped near their vehicle and they also stopped their vehicle. Thereafter, Firoz Khan, Suraj and

Ashu alighted from their vehicle and hot words were exchanged between him and Firoz Khan, but the matter was settled by Asul Bhadana, Piyush Pandey and Narender. In the meantime, Suraj backed his vehicle in a very rash and negligent manner and drove the same over them in order to commit their murder. He and Narender had narrow escape, but Piyush Pandey and Asul Bhadana had sustained grievous injuries.”

Learned counsel for the petitioner has argued that the petitioner was travelling with his co-accused, namely, Feroz Khan and Suraj in car and they had a scuffle with complainant and others who were in a different vehicle and when the petitioner alongwith his co-accused Feroz Khan was engaged in talks with the complainant and others, Suraj reversed his vehicle, resulting in injuries to Piyush Pandey and Anshul Bhadana. According to him, similarly situated co-accused Feroz Khan has already been granted interim pre-arrest bail by this Court vide order dated 14.2.2022, and as the investigation of the case is also complete, therefore, the petitioner be also released on regular bail.

On the other hand, learned State counsel assisted by SI Kirpal Ram while opposing the aforesaid prayer does not dispute this fact that the case of the petitioner is at par with co-accused Feroz Khan as offence punishable under Section 307 IPC is attributed to co-accused Suraj who is in custody. According to him, the petitioner and his co-accused shared their common intention with Suraj.

Considering the above background and custody of the petitioner, this Court is of the opinion that further detention of the petitioner may not be necessary for any useful purpose as the trial would take

considerable time to conclude.

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.

February 25, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No