

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

1. CRM-M-486-2023 (O&M)

Sahil

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

And

2. CRM-M-6954-2023 (O&M)

Ashish @ Ashu

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

Date of Decision: 24.02.2023

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sankalp, Advocate for the petitioner
in CRM-M-486-2023.

Mr. Aryan Sharma, Advocate for the petitioner
in CRM-M-6954-2023.

Mr. Anupam Bansal, APP for respondent-UT Chandigarh.

HARINDER SINGH SIDHU, J

As identical questions of law and facts arise in the aforesaid two petitions, the same are being disposed of together by this common order.

Prayer is for grant of regular bail in case FIR No.52 dated 12.05.2021 under Sections 147, 148, 149, 341, 307, 326, 506 IPC (Section 307 deleted later), Police Station Mauli Jagran, Chandigarh.

The FIR was recorded on the statement of one Raju Kumar, who

stated that on 11.05.2021 at around 8.00 P.M he was present at his house. He was informed that his son Vicky was being beaten by 5-6 boys behind the Mauli complex. The complainant immediately went to that place. He saw Sanjay and Rahul along with 3-4 of their companions beating his son. Sanjay had a long knife in his hand, with which he repeatedly attacked his son. Rahul had an iron rod in his hand. One other person was holding a stick in his hand. Rahul and the companion holding a stick were beating his son with the iron rod and the stick. 3-4 other boys were holding his son by the legs and shouting that his son be killed. Meanwhile, number of other people gathered there and the assailants ran away. The complainant took his son to Government Civil Hospital, Sector-6, Panchkula, from where he was referred to Government Medical College, Sector-32, Chandigarh. During investigation, co-accused Rahul was arrested on 12.05.2021. The iron rod was recovered on his disclosure. Sanjay was arrested and a blood stained knife was recovered on his disclosure statement. The other accused were also arrested.

Learned counsel for the petitioners submit that the petitioners have been falsely implicated. The fatal injuries are attributed to the other co-accused and that the petitioners were empty handed and are alleged to have only held the injured (son of the complainant). He submits that the petitioners are behind bars for the last about one year and nine months.

Mr. Bansal, learned APP appearing for respondent-UT Chandigarh though opposed the prayer but has not disputed the custody period.

Without commenting anything on the merits of the case and also bearing in mind the facts of this case coupled with the custody period, in my opinion, no useful purpose will be served by detaining the petitioners behind bars any further. The petition, as such, is accepted. Both the petitioners i.e Sahil and

bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial
Magistrate/Duty Magistrate concerned.

February 24, 2023
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No