

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

CRM-M-12325-2023

Date of Decision: 17.03.2023

Jai Parkash

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nipun Vashist, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.
Mr. Sandeep Kumar Yadav, Advocate and
Mr. Mayank Yadav, Advocate, for the complainant.

Rajesh Bhardwaj,

The petitioner has approached this Court praying for grant of regular bail in a case FIR No.24 dated 17.01.2023, registered under Sections 285, 323, 341, 427, 436, 452, 506, 148, 149 IPC and Section 25 of Arms Act, 1959, at Police Station Sadar Mahendergarh, District Mahendergarh.

Adumbrated facts of the case are that Krishan Kumar son of Ishwar Singh lodged the present complaint before the Police, alleging therein that in the intervening night 16/17.01.2023, when he was at home, then DJ was being played at some distance. His servant Vikas left the home taking his pickup van for some work. When he reached near the bridge of river, a camper was seen parked there where many boys including the petitioner were drinking alcohol. When he asked the boys to give the way to his vehicle, they started their vehicle and hit his pickup van forcefully. As a result, his pickup van fell in the ditch. Thereafter, they started pelting bricks, stones on them. His servant Vikas suffered injuries in the head. They fired with the pistol in the air. Thereafter, all those boys came in their vehicle and attacked with bricks, *dandas* and stones on their house and

broken the glasses of house. Thereafter, they hit the vehicle in the main gate of their house and gate was broken, which hit the motorcycle parked near the gate. They beaten the labourers and after that they went to his liquor vend and put the same on fire. The fire brigade extinguished the fire of the liquor vend. Request was made to take the legal action against the all the culprits. On the basis of the complaint, formal FIR was registered and the investigation commenced. In all there were 18 accused, out of which 4 accused could be arrested and rest 14 accused are at large. The accused-petitioner was arrested on 26.01.2023. He approached the Court of learned Sessions Judge, Narnaul praying for grant of regular bail, who after hearing both the sides, declined the same vide order dated 02.02.2023. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He has submitted that the complainant has implicated the petitioner on the basis of rivalry in the Panchayat Election. He submits that in FIR the name mentioned is J.P. of village Nangal Sirohi, whereas, the name of the petitioner is Jai Parkash and he belongs to village Mandola. He submits that the allegations pertaining to shot fired from pistol is totally false as there is no recovery of empty shell from the place of occurrence. He further submits that the petitioner is not the owner of the vehicle by which the accused have allegedly hit the main gate of the house of the complainant. He further submits that the CCTV footage allegedly having been recovered does not show the complicity of the petitioner. He submits that co-accused, namely, Pardeep, Sudhir and Sandeep have already been released on bail. He submits that in the facts and

circumstances, false implication of the petitioner is writ large and he deserves to be enlarged on bail.

On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is the main accused in this case. He submits that the video of the occurrence has been recovered in which the vehicle can be clearly seen hitting the gate of the house of the complainant repeatedly. He further submits that the liquor vend was also put on fire by the petitioner and the co-accused and the loss caused by the petitioner and the co-accused is estimated to be between 10-15 lacs. He has submitted that out of total 18 accused only 4 accused are arrested as on date and the rest are on the run and thus, the petitioner has no case for the grant of bail.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the occurrence in question has taken place on the intervening night of 16/17.01.2023. The petitioner and the co-accused have been named in the FIR. As per allegations against the petitioner he was armed with pistol and fired in the air. Besides this, it is evident that the occurrence has taken place at different places. First incident took place near the river, where the vehicle of the complainant was hit by the petitioner and the co-accused, which fell in the ditch. Thereafter, they came to the house of the complainant and damaged the house by pelting stones and damaged the gate of the house of the complainant by hitting it with their vehicle. Thereafter, they went and put the liquor vend on fire and the fire had to be extinguished by the fire brigade. Out of total 18 accused, only 4 accused have been arrested so far. In the opinion of the Court granting bail to the

petitioner at this stage would hamper further investigation/trial, thus, this Court does not find any merit in the present case. Resultantly, the same is hereby dismissed.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.03.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
: Yes/No
: Yes/No