

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

CRA-S-1297-2023

Date of Decision:07.07.2023

Narender alias Khadak alias Kalia

...Appellant

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sunil Pawar, Advocate
 for the appellant.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The appellant has filed the present appeal against the impugned order dated 15.06.2023, passed by the learned Additional Sessions Judge, Bhiwani, whereby the bail application filed by the present appellant was declined in case FIR No. 83 dated 04.02.2023, under Sections 148, 307, 323, 506, 325, 482, 487 read with Section 149 of IPC and Section 3(2)(V) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989, registered at Police Station, Sadar, Bhiwani.

The FIR in the instant case was got registered by one person, namely, Vikas by alleging that he and Manjeet were friends. On 04.02.2023, he along with Manjeet were coming from Court at Bhiwani and at about 9.30 am, when they reached near Bhiwani -Dinod Road near Tosham bye-pass, a pick up vehicle bearing registration No.HR-84-8333 and one Balero vehicle came at a high speed. The driver of pick-up vehicle rammed his vehicle on the motorcycle

from rear side with a bad intention. About 8-9 persons alighted from the said two vehicles and were armed with jelly, gandasi, lathi and dandas etc. Due to the impact of collision, the complainant and Manjeet fell down from the motorcycle. The said accused were having mask on their faces. Dagru was armed with a farsa, the appellant was armed with a jelly, Naresh was armed with a lathi and others were armed with lathi and dandas. Dagru gave a farsa blow on the head of the complainant, whereas the appellant gave a blow with jelly on the right foot of the complainant. Naresh gave a lathi blow on the left hand, whereas, Radhey gave a lathi blow on his right hand and other persons were also caused them injuries with their respective weapons. On alarm being raised by the complainant, several persons were attracted at the spot and assailants fled away from the spot. The FIR in the present case was registered on the basis of the said broad allegations and the investigation formally commenced.

Learned counsel for the appellant contends that as per the case of the prosecution, he has been attributed a blow with a jelly on the right thigh of Vikas, which has been declared to be simple in nature. He further contends that the appellant was arrested in the present case on 05.03.2023 and the investigation is complete in all respects. Even a recovery of jelly has been falsely planted on him by the prosecution and except the above-said role, the appellant had been attributed no other injury. The trial is yet to formally commence before the learned trial Court as charges have not yet been framed by the learned trial Court. The prosecution has cited 24 witnesses and the conclusion of the trial will take a long time.

On the other hand, learned State counsel has opposed the grant of concession of bail to the present appellant on the ground the appellant was a part of unlawful assembly, which had caused injuries and one injury was declared dangerous to life and even specific role has been assigned to the present appellant.

Without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No