

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.249

Case No. : CRM-M-22808-2023

Date of Decision : June 02, 2023

Bharat @ Manni

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.524 dated 26.09.2022, under Sections 379-B, 323, 427, 452, 148, 149, 506 IPC, 1860, registered at Police Station Kurukshetra University, District Kurukshetra.

2. The case in question was registered at the instance of one Dimple, who while referring to an earlier incident, made statement that in February 2021, one boy namely Gorkha, had died. In that case, name of his cousin brother Rahul son of Jagdish figured, who is still in jail. Since then, Sahil, who is brother of deceased Gorkha, was nursing grudge against the complainant. On many occasions, he misbehaved with the complainant but the matter was got compromised in panchayat.

3. As per allegations, due to the afore-said grudge, on 25.09.2022, at about 08:30 PM, when the complainant was sitting at his mobile shop near

bus stand, Village Amin, Sahil along with his companions Rahul Malik, Navdeep @ Cheema, Nandu, Mohit Pandit, Monu Pandit, Gulshan, Bansi and Manni (petitioner) entered his shop armed with dandas, bindas and gandas. They damaged the mobile phones kept in the shop and the fittings. They snatched from complainant one laptop and Rs.30,000/-. Sahil gave him blow from the reverse side of gandasi on his head and Malik gave him blow with rod on his face. Bansi gave a danda blow on his right arm and hand. Due to suffering of injuries, he fell down on the floor. On hearing his noise, his father was attracted and came there. On seeing him coming, all the accused persons fled away from the spot along with their respective weapons giving threats that they would kill him some other day.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 04.12.2022. He has been falsely roped in this case because on 17.09.2021, when the petitioner was present in Shiv Mandir of Village Amin, where he works as a Priest, the companions of Dimple namely Shanky, Mikesch and others had caused injuries to the petitioner, due to which FIR No.439 dated 18.09.2021 was registered at Police Station Kurukshetra University, Kurukshetra against Dimple and others. In that FIR, complainant Dimple are facing trial, due to which they started keeping a grudge against the present petitioner. Therefore, he has been falsely implicated in the present case. It has further been submitted that after the registration of present FIR, police conducted the inquiry and came to the conclusion that the petitioner was not involved in the present case and Section 379-B IPC was added to make the case more serious.

5. Status Report on behalf of respondent-State has already been

placed on record on the last date of hearing. Learned State counsel, while referring to the Status Report, has opposed the bail petition. It has been stated that the petitioner was arrested on 04.12.2022. He made disclosure statement and on the basis of disclosure statement, he got recovered one baseball Binda. During investigation, co-accused namely Bansi, Nandu, Mohit Pandit, Ritik were found to be innocent. Challan against the present petitioner is already filed. Supplementary challan against co-accused namely Rahul Malik and Navdeep Cheema was prepared. Charge is yet to be framed.

6. Heard.

7. The allegations against the petitioner are that he participated in the crime in question. No specific act is attributed to the petitioner. It is debatable if in such cases, Section 379-B IPC is attracted or not. It is a question of evidence. The petitioner is not involved in any other case. This case is outcome of the earlier case registered by the petitioner against the complainant. Recovery from the petitioner is only baseball Binda, on the basis of disclosure statement. Since the case is fixed for 03.06.2023 for framing of charge, the completion of trial will take a long time and therefore, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/ surety bonds, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

9. However, nothing contained herein above shall be construed as

an expression of opinion on the merits of the case.

10. Pending applications, if any, shall stand disposed of along with the present petition.

June 02, 2023

(GURBIR SINGH)
JUDGE

monika

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>