

2023:PHHC:103356

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

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CRM-M-36052-2023

Date of decision : 09.08.2023

Rahul @ Dholu**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail in FIR No.216 dated 05.10.2021, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 427 and 506 of IPC, 1860 (Sections 302 and 307 IPC, 1860 Section 3(2)(V) SC and ST Act, 1989 added later on), at Police Station Bhattu Kalan, District Fatehabad.

2. As per the case of the prosecution, FIR was registered on the statement made by Rajinder s/o Chotu Ram, wherein he named Bittu s/o Chiman Lal, Vikram s/o Munna as the attacking party. Apart from that 12-13 more boys accompanies them. Deceased Sunil was stated to have been given beating by the said attacking party. In the statement under Section 161 Cr.P.C. suffered by injured Sumer, name of the petitioner cropped up as being part of the attacking party, but no overt act was attributed to him.

3. Counsel for the petitioner submits that as noticed by the trial Court while declining the bail of the petitioner, post mortem examination

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of the deceased Sunil shows that there were only two injuries on the person of the deceased i.e. one on elbow and the other on back and the cause of death as per post mortem report is testicle infections. Petitioner is in custody for more than 11 months. Co-accused(s) namely Satbir @ Fauji and Monu already stand admitted to bail vide order dated 09.08.2022 passed in **CRM-M-26552-2022** and that dated 17.07.2023 passed in **CRM-M-47152-2022** respectively.

4. It has been further asserted that the prosecution has already declared Bittu, Rajesh @ Hudda and Vikram son of Munna as innocent during investigation.

5. State counsel does not dispute the aforesaid factual assertions made on the basis of record, however, submits that the petitioner is facing trial in 03 more FIRs, 02 registered under Section 323 of IPC and 01 under Arms Act.

6. Without commenting on the merits of the case and treating petitioner at par with Satbir and Monu, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.08.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No