

2023:PHHC:136044

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

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**CRM-M-37352-2023 (O&M)  
Date of decision : 18.10.2023**

**Jaivir and others**

**..... Petitioners**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. V.P. Sangwan, Advocate  
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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**PANKAJ JAIN, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0077 dated 13.03.2023, registered for the offences punishable under Sections 147, 149, 307, 323 and 506 of IPC at Police Station Siwani, District Bhiwani.

2. As per FIR, Dinesh s/o Chattar Singh-complainant alleged as under:-

“To, SHO, Police Station Siwani. Sir, it is submitted that I, Dinesh son of Chattar Singh, am resident of Badwa. On 09.03.2023 at 11:00 I was coming on my motorcycle No.HR-17B-2508 after attending marriage of the daughter of Sher Singh to my house and when I reached near Bus Stand Badwa, one Bolero Camper came from back side and directly struck me from back side with intention to kill me and I fell down with motorcycle and saw that vehicle was being driven by Sanjay @

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Kobra son of Ram Singh, resident of Badwa. Bharat Singh @ Pali son of Dharam Singh, Shakti @ Rohit son of Kamal Singh, Rohit son of Dayanand, Jaivir son of Ashok, Sandeep @ Popat son of Pappu, Parveen @ Palia son of Pappu, residents of Badwa and three-four other persons were with him which were not known to me. All of them come down from the camper. Liquor contractor Sanjay @ Kobra was having pipe in his hand and Bharat Singh was having stick in his hand, Shakti was having a pipe having fix a cycle chain, Rohit was having rod in his hand, Jaivir was having stick, Parveen and others were having sticks in their hands. They assaulted upon my head, hand and legs with sticks and weapons immediately and they given beating to me unless they believe that I have died and left the spot along with their weapons. They have snatched Rs.3770/- from my pocket and saying while giving beating that they will kill me so that he may not give any secret information regarding the liquor. Illegal liquor of Sanjay @ Kobra was seized by the Excise Department one day back from the house of Raj Kumar son of Banwari. Today when I regain consciousness, I came to know that Mukesh and my uncle Vikram had taken me to Sarvodaya Hospital for treatment from the spot. All the above have assaulted upon with the intention to kill me and snatched the money. Strict legal action be taken against them. I have submitted this application after getting the same written.”

3. Counsel for the petitioners refers to affidavit of the complainant Dinesh placed on record as Annexure P-4 and statements

suffered by him appended as Annexure P-5 to submit that the

DINESH KUMAR  
2023.10.19 16:33  
I attest to the accuracy and  
integrity of this document

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complainant himself submitted before the Court that it was not the petitioners who were offenders and the FIR was registered owing to misunderstanding and in fact the real dispute lies at the heart is that they have some old business rivalry. It has been submitted that the trial Court dismissed the bail application observing that the offence punishable under Section 307 is non-bailable without realizing that it was the case of bail and not judgment of trial. Petitioner thus stated to be behind bars for more than 06 months and 16 days.

4. Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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

6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)  
JUDGE

18.10.2023  
Dinesh

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