

2023:PHHC:149441

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

228

CRM-M-48141-2023

Date of decision : 23.11.2023

Nehpal

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Rajesh Lamba, Advocate
for the complainant.

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.49 dated 28.02.2023, registered for the offences punishable under Sections 148, 149, 201, 323, 325, 307, 379-B, 452 & 506 of IPC and Section 25 of Arms Act at Police Station Tigaon, District Faridabad.

2. FIR was registered on the statement of one Rampal, son of Pritam Singh, who alleged as under:-

“I Rampal S/o Pritam Singh, resident of Village Sidola, District Faridabad, on 27.2.2023 at around 9:00 pm. I was at my house, at that time Manoj son of Perhlad, resident of Sidola came to our house after drinking alcohol and started abusing without any reason. When, I protested against it, he said I will tell you right now and went his house. After

2023:PHHC:149441

sometime, Bharti son of Perhlad, Satish, Ravi, Nehpal, sons of Bharti, Amit son of Singhraj, Mahavir son of Perhlad, Sunil son of Bishram, Anil son of Bishram, Deepak son of Mahender, resident of Shahabad came to our house in friendly manner with sticks, axe, sword, in their hands and attacks us. He attacked me and Nepal hit me with sword he had in his hand, on my face, on my leg and all the accused attacked me with the sticks they had in their hands and Deepak and Amit fired directly at me with the katta but I am escaped, now my wife Kashmiri tried to rescue me, then Satish hit my wife with a stick in his hand and beat me with kicks and punches and took away my wife's gold chain and earrings. Thereafter, assailants fled away from the spot threatening to kill him. Lalit son of Pritam, Manisha wife of Lalit, Krishan son of Shyoli, Shivam son of Ram Pal, Pritam son of son of Shyoli, Harbir son of Sher Singh, Rahul son of Hansraj also got injury during the fight, then Netra Ram son of Shersingh made us all sit in the car and got us admitted to government hospital BK for treatment, from thereafter taking treatment, we were admitted to Madhav Hospital NIT-5 FBD, who along with the above accused 5-10 other people whose named we don't know, all these above mentioned people entered our house and beat us without any reason under planning. Legal action should be taken against all these people.”

3. Custody certificate has been produced. As per the same, petitioner has undergone custody of more than 07 months and 20 days. Counsel for the petitioner submits that the investigation already stands concluded. Challan stands presented. The cause of fight was minor and

2023:PHHC:149441

it was on the parking issues. The petitioner has clean antecedents and no other case is pending against him.

4. Mr. Sehrawat as well as Mr. Lamba however, opposes the bail plea claiming that there are serious allegations against the petitioner who inflicted injuries upon the person of the complainant and there are nasal wounds. However, Mr. Sehrawat does not dispute that the investigation already stands concluded and the challan stands presented.

5. Without commenting on merits of the case, keeping in view the incarceration already suffered by the petitioner and the custody of the petitioner cannot be prolonged as a punitive measure, 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.

6. 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

23.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No