

Neutral Citation No.2023:PHHC:151572
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 29.11.2023

1. CRM-M-53614 of 2023

Deepak

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM-M-53714 of 2023

Jaihind @ Jaihind Bhadana

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Vikas Kumar, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Sandeep Kumar Rana, Advocate for the complainant.

DEEPAK GUPTA, J.

In both the petitions titled above, filed under Section 439 Cr.P.C., petitioners have prayed for grant of regular bail in case FIR No.437 dated 13.06.2023 registered under Sections 147, 149, 323, 307, 365, 379-B, 427, 506 and 120-B IPC (Section 148 IPC deleted, while Sections 147 and 325 IPC added in the challan); and Section 25 of Arms Act, 1959 at Police Station Suraj Kund, Faridabad, District Faridabad.

2. FIR case was registered on the basis of complaint moved by Sohail son of Abdul Rehman, as per which, he was in the business of sale and purchase of vehicles on commission basis. On 12.06.2023, he along with Amit got ready to meet Kapil Bhadana in Anangpur at 11:00 P.M. Complainant was also accompanied by Aman alias Boxer, Tufani, Salman and Dalip. At Badarpur Border, Neeraj met them, who was also accompanied by 3-4 more boys, who also followed the complainant and others on their vehicle. Kapil Bhadana met them near his house situated

Kant Enclave. At about 02:00 AM, as they are they all were about to return and standing near their vehicle, three cars and 5-6 motor-cycles stopped. 20-30 persons alighted from the vehicles, armed with iron rods and dandas. One of them fired on the complainant, who laid on the road to save him. The assailants started beating him (complainant) with danda and iron rods. His companions tried to save him but were chased by the assailants. Complainant recognized some of the assailants as Mannu, **Deepak (petitioner in CRM-M-53614 of 2023)**, Sarjeet, Ashok, Pardeep, **Jaihind @ Jaihind Bhadana (petitioner in CRM-M-53714 of 2023)**, Ravinder, Harry Sarpanch, Pardeep and Tiger Faridpuria, who also snatched ₹60,000/- from his pocket. They also put the complainant in their vehicle to take him somewhere but on seeing the police party on the way, they left the complainant and one vehicle on the road. It was alleged further that all this occurrence was planned by Pawan son of Munni Lal.

3. Investigation was entrusted to Crime Branch, Sector-30, Faridabad. Co-accused Ankit alias Tiger, Deepak and Ravinder were arrested on 16.06.2023, who suffered disclosure statements and got demarcated the place of occurrence. Ankit @ Tiger also got recovered an iron rod. Jaihind @ Jaihind Bhadana – petitioner was arrested on 05.07.2023 and got recovered a vehicle used in the crime. It also emerged during investigation that shots were fired by co-accused Ashok and petitioner Jaihind @ Jaihind Bhadana. The MLR pertaining to Sohail revealed four injuries including fracture in the right forearm. After completion of investigation, final report under Section 173 Cr.P.C., has already been filed against petitioners and some of the co-accused. Case is now fixed for consideration of charge.

4. It is submitted on behalf of both the petitioners that they have

been falsely implicated and have no nexus with the crime. MLR of the complainant reveals four injuries out of which, two are in the form of abrasions. MLR also reveals that complainant was under the influence of alcohol at the relevant time and that he suffered injuries on account of fall under the influence of alcohol and that FIR has been registered by fabricating false story of assault. Learned counsel also drawn attention towards the fact that though complainant is alleged to have been attacked by 20-30 persons with iron rods and dandas but still only four injuries are shown, out of which two are abrasions. Further contended that occurrence is alleged to have taken place at 02:00 AM in the night, which further indicates concealment of the material facts and that time and manner of the occurrence makes the prosecution story highly doubtful. He further contends that no fire arm injury was caused, so Section 307 IPC is not attributed. With these submissions, prayer is made for grant of regular bail.

5. Strongly opposing the bail petitions, learned State Counsel supported by learned counsel for the complainant, drawn attention towards the nature of injuries on the person of complainant Sohail attracting Sections 325 and 307 IPC apart from the allegation of Sections 365 and 379B IPC and submit that releasing the petitioners on bail will not be in the interest of justice, as statements of injured and material witnesses are yet to be examined. Prayer is made for rejecting the bail petition.

6. I have considered the submissions of both the parties and perused the record carefully.

7. Occurrence took place on the night intervening 12/13.06.2023 at about 02:00 A.M. Complainant Sohail was accompanied by his various companions as is evident from the contents of the FIR itself and it is they, who had gone to meet Kapil Bhadana in the dead of night. The time and

place of occurrence of the case is quite suspicious particularly considering the fact that though the complainant is alleged to have been assaulted by 20-30 persons with iron rods and dandas but only four injuries were found on his person out of which, two are in the form of abrasions and others are in the form of swelling over on frontal head and swelling over on right forearm. Injury on right forearm was found grievous as fracture of Ulna was caused. Though one of the unknown assailants is stated to have fired shot upon the complainant but no fire-arm injury was caused. The MLR of the complainant – injured, Sohail also reveals that at the time of his examination at 04:15 AM on 13.06.2023, smell of alcohol was present. Challan has already been filed. Trial may take time to conclude.

8. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, both the petitions are accepted. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds, to the satisfaction of learned trial Court/ Duty Magistrate concerned.

A photocopy of this order be placed on the file of connected case.

November 29, 2023
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No