

2023:PHHC:141985

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

237

CRM-M-54699-2023

Date of decision : 07.11.2023

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

Present: Mr. Varun Girdhar, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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.0235 dated 08.08.2023, registered for the offences punishable under Sections 148, 149, 323, 341, 379-A, 452 and 506 of IPC at Police Station Sector-14, Panchkula.

2. As per the contents of the FIR, it has been alleged as under:-

“As per the version of the complainant in the F.I.R at around 3:15 AM, I was sleeping in my house and some people from outside were breaking the door of my house with sticks and swords, due to which my door broke open and all those people had wooden rod, sticks, swords, axes in their hands. They entered my house with wooden rod, sticks, swords, axes and they kicked and punched me and snatched away my mobile phone of VIVO company from inside my house. When I came out and saw,

2023:PHHC:141985

Sunita, Sundari, Brijesh and Shiv Kumar standing outside in the street, they told me that the miscreants had vandalized their house too and Shiv Kumar told me that when Shiv Kumar was coming from duty they stopped him and snatched Rs 10,000 of salary from his pocket, they beat him up and threatened to kill Shiv Kumar, saying that if he complained to the police, they would kill him and the names of all these people were Sheela, his Son Vicky, Gautam, Sheela's son-in-law, whose names I don't know, Badda, Arun and 20/22 other men whom I can recognize if they come in front of me. All these people have spread terror at night with swords, axes, sticks, and wooden rods in their hands in the whole Colony. Strong action should be taken against all of them and they have also assaulted a boy named Rohit, who lives in the same colony, and have also snatched his mobile phone.”

3. Counsel for the petitioner submits that whole of the version has been projected by the complainant is highly improbably. Apart from reiterating the version of Shiv Kumar and naming the petitioner, there is no specific role attributed to the petitioner. Incident is stated to be of 3.15 a.m. and it has been claimed that the house of the petitioner was attacked by 20/22 people, yet they snatched only a mobile from the hands of the complainant.

4. Further submits that it is also unbelievable that the petitioner would not be recognized by the complainant though both of them are residents of same colony. Petitioner is behind bars since 23.08.2023.

2023:PHHC:141985

5. Without commenting on the merits of the case, keeping in view the allegations levelled and the fact that there is no specific role attributed to the petitioner and in view of the fact the incarceration already suffered by the petitioner, 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

07.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No