

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

Date of decision : 01.12.2023

1. CRM-M-59458-2023

Anil Petitioner

versus

State of Haryana Respondent

2. CRM-M-59597-2023

Amit Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Balraj Gujjar, 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.49 dated 28.02.2023, registered for the offences punishable under Sections 148, 149, 323, 325, 379B, 452, 307, 201 and 506 of IPC, 1860 & Section 25 of Arms Act, 1959 at Police Station Tigaon, District Faridabad.

2. Learned counsel for the petitioner *inter alia* relies upon order dated 14.09.2023 passed in **CRM-M-45004-2023** (Annexure P-3),

whereby co-accused namely Mahavir has been ordered to be admitted to regular bail, observing as under:-

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 & 25 of Arms Act at Police Station Tigaon, District Faridabad.

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

“To the SHO, Police Station Tigaon, Faridabad. Sir, I request that 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 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 hose 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 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. Counsel for the petitioner while referring to the contents thereof submits that there is no specific allegations and no injury has been attributed to the petitioner on the person of the victim Rampal and thus no offence punishable under Section 307 of IPC can be attributed to the petitioner.

4. Petitioner is behind bar and has suffered incarceration of more than 05 months and 04 days, investigating already stands concluded and challan stands presented.

5. Keeping in view of above, 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.”
3. Learned counsel for the State does not dispute the aforesaid fact.
4. Keeping in view the parity and the incarceration already suffered by the petitioners, the present petitions are 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. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

01.12.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No