



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-78-2024

Date of decision : 05.12.2024

Rahul @ Kala

.....Appellant

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sudhir Rana, Advocate
for the appellant.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present appeal has been filed by the appellant praying for setting aside the order dated 22.11.2023 qua the present appellant vide which the petition under Section 439 of Cr.P.C. filed for grant of regular bail in FIR No.89 dated 27.07.2023, under Sections 201, 323, 307 and 34 of IPC, 1860 and Section 3(2) (1) (V) of SC/ST Act, 1989 (Amendment 2015), registered at Police Station Jatusana, District Rewari, was dismissed.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the basis of the statement made by Praveen Kumar son of Sube Singh. It was alleged that on 25.07.2023, it was the birthday of their friend Akash and to celebrate the occasion at around 10:30 PM, they were having food at Dhaba named Rao. In the meantime, 3-4 boys who were drinking alcohol outside the hotel came inside and they started abusing the complainant with casuistic words. Thereafter, Ankit was given liquor bottle blow on his head and then boys gave the kick and fists blow to Ankit. On raising alarm, they ran away from there. Injured-Ankit was shifted to the hospital. Request was made to take legal action against the culprits. On



registration of the FIR, investigation commenced and during investigation, petitioner was arrested on 02.09.2023. He approached the Court of learned Additional Sessions Judge, Rewari praying for the grant of bail. However, after hearing counsel for the parties and perusing the record, finding no merit in the same, learned Additional Sessions Judge, Rewari, declined the same vide his order dated 22.11.2023. Hence, being aggrieved appellant is before this Court by way of filing the present appeal.

3. Learned counsel for the appellant has submitted that the appellant has been falsely implicated in the present case. He submits that no specific role has been attributed to the appellant as is evident from reading of the FIR. He submits that there are general allegations made against the accused and it is on the basis of the presence of the appellant, he has been roped in the present case. He submits that after filing the challan, charges were framed and injured-Ankit has been examined by the trial Court wherein he has deposed that the head injury has been given by co-accused Shubham. Hence, he submits that the appellant who is behind bars from the date of his arrest, deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the appellant. He, on instructions from SI Mohantu Ram, has submitted that the appellant along with co-accused has caused grievous injuries to the victim. He submits that the appellant is a habitual offender who is involved in 07 other cases as well. He submits that out of 17 prosecution witnesses, 04 witnesses have been examined and 02 witnesses have been given up. He submits that in the facts and circumstances of the case, the appellant does not deserve to be granted bail.

5. After hearing counsel for the parties and perusing the record, it is apparent that the appellant is behind bars since 02.09.2023. The victim

has been examined before the trial Court and he has deposed that the head injury have been given by the co-accused and not by the appellant. Though it is argued that the appellant is involved in other cases as well, however, the merits of the present case are to be considered in which the allegations against the appellant are not to the effect that he has caused the grievous injury to the victim. The material witnesses already stands examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the appellant succeeds in making out a case for grant of regular bail. Accordingly, the present appeal is allowed and the order dated 22.11.2023 passed by the learned Additional Sessions Judge, Rewari is set aside. Appellant is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2024
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No