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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2532 of 2024 (O&M)

Date of decision : 23.01.2024

Ravi @ Ravi Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.113 dated 20.02.2023 registered under Sections 147/149/186/307/323/332/353/427 IPC and during investigation Section 120-B IPC has been added at Police Station Azad Nagar, Hisar, District Hisar.

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

“To, The Incharge Police Post Magali, Hisar. Sir, it is requested that I, Yoginder Kumar ESI Belt No1099 Hisar and is posted as Incharge on ERV 318 No HR 99 0318. Today on 19.02.2023 at about 10:30 P.M. myself and SPO Dhirender Pilaniya 316 Hisar Driver Sandeep Kumar 998 Hisar were on patrolling and were coming from Village Daya towards Mangali Surtiya and when we reached at Bus Stand Mangali Surtiya then on the Bus Stand Mangali Surtiya 7-8 young boys were standing having danda and iron rods in their hands and one of boy gave signal to stop the vehicle and as the vehicle stopped then all attacked on us with an intention to kill with lathi danda and iron rods and blow of one boy hit to door wiser due to which the door wiser of the vehicle broken and another boy gave danda blow on the front mirror of the vehicle due to

which front mirror of the vehicle broke down and in this incident driver and Sandeep Kumar and myself received internal injuries. After the incident the above said young boys started running from the spot with their dandas and iron rods then driver Sandeep Kumar apprehended one boy at the spot by running and on asking he told his name and address as Ajay son of Rameshwar Nayak resident of Mangali Surtiya and told the names of other friends involved in the incident as Ravi son of Surender Balmiki, Rahul son of Bodi Balmiki, Devinder son of Shamsher Chamar and Kuldeep Mama resident of Mangali Surtiya and names of other 2-3 he do not know. The above said young boys by creating hindrance in the Govt. duty and attacked us to kill and caused injuries and Govt. Vehicle ERV 318 No HR-99-0318 has been damaged with lathi and dandas. Legal action be taken against above accused persons.”

3 Custody certificate has been filed. The same is taken on record.

As per the custody certificate, the petitioner is in custody for 9 months and 23 days.

4 Learned counsel for the petitioner submits that no role has been assigned to the petitioner and he has been nominated on the basis of the disclosure made by Ajay, the co-accused while in police custody.

5 Learned State counsel on instructions from ASI Krishan opposes the bail on the ground that recovery of iron rod has been made from the petitioner and he is a habitual offender having 4 more registered against him.

6 Having heard rival contentions and after going through records of the case, keeping in view the nature of allegations, the nature of incriminating evidence that has surfaced against the petitioner, the incarceration suffered by the petitioner and the fact that two of the co-accused stand admitted to bail by the trial Court, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

23.01.2024

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

Whether Reportable :

Yes

No