

CRM-M-5178-2024
CRM-M-11880-2024

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2024:PHHC:087581



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-5178-2024
Vimal KumarPetitioner

versus

State of Haryana ... Respondent

2. CRM-M-11880-2024
Amit alias TalluPetitioner

versus

State of HaryanaRespondent
Date of decision : 15.07.2024

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sahil Choudhary, Advocate
for the petitioner(s).

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.178 dated 01.08.2023, under Sections 148, 149, 323, 325, 307, 506 of the Indian Penal Code and Section 25 of Arms Act (added later on), registered at Police Station Radaur, District Yamuna Nagar, Haryana.



As per the facts of the case, Krishna i.e. complainant deposed before the investigating agencies that on the date of occurrence his brother, Mohit, was coming to his home. When he reached at Namdev Chowk then petitioners along with another accused, namely, Lavish @ Lucky came there with their friends who were duly armed with sticks and swords. They inflicted serious injuries to his brother with the weapons they were holding and when he raised alarm, he was also threatened to be killed by them. After causing injuries to his brother namely, Mohit, they flee away from the spot. Request was made to take legal action against the culprits. On the basis of the complaint, FIR was lodged, injured was medico-legally examined and during investigation, petitioner, namely, Vimal Kumar was arrested on 08.09.2023 and petitioner, namely, Amit @ Tallu was arrested on 21.08.2023. Both the petitioners approached the Court of learned Additional Sessions Judge, Yamuna Nagar, Jagadhri, Haryana praying for grant of regular bail. However, after hearing both the sides, learned Additional Sessions Judge, Yamuna Nagar, Jagadhri declined the same vide orders dated 22.12.2023 and 30.01.2024, respectively. Hence, being aggrieved the petitioners are before this Court praying for grant of regular bail.

Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case. He submits that though the petitioner, namely, Amit @ Tallu has been named in the FIR, however, petitioner, namely, Vimal Kumar is not named in the FIR and has been arrayed as accused in the present case on the basis of the disclosure statement of the co-accused. Complainant is the brother of the injured who claimed himself to be the eye-witness however, he never intervened during the scuffle and thus, has not suffered any injury which is improbable story. He further submits that the role attributed to the petitioners



is not different from the co-accused who has been enlarged on bail. The investigation has already been completed. Thus, in the overall facts and circumstances of the case, petitioners deserve to be granted regular bail.

Per contra, learned State counsel has submitted that petitioner, namely, Vimal Kumar had allegedly given *gandasi* blow upon the legs and arms of the injured. So far as, petitioner, namely, Amit @ Tallu is concerned, he had allegedly given *binda* blow and no incised wound was found. He submitted that co-accused Lavish @ Lucky is already on bail. He submits that all the accused have caused injuries to the brother of the complainant who is eye-witnesses. It is submitted that the challan has been presented, charges have been framed and out of 17 prosecution witnesses, 01 witness has been examined. He further submits that as per instructions, petitioners are not involved in any other case except the present case.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that present FIR was lodged on the statement of the complainant who is brother of the injured. Four of the co-accused have been granted bail by this Court. There is nothing on record to show that the petitioners have any criminal antecedents. As submitted before this Court, investigation already stands completed and out of 17 prosecution witnesses, 01 witness has already been examined.

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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned



counsel for the petitioners succeeds in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and petitioners, namely, Vimal Kumar and Amit @ Tallu, are ordered to be released on bail on their 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.

Photocopy of this order be placed on the file of other connected case.

15.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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