

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10160-2024
Date of decision : 04.03.2024

Atul Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. H.S. Kasan, Advocate
for the petitioner.

Mr. Gaurav Bansal, 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.281 dated 30.05.2023, registered for the offences punishable under Sections 148, 149, 307, 323, 324, 325, 341 and 506 of IPC (Sections 302 and 201 of IPC added later on) at Police Station Adarsh Nagar, District Faridabad.

2. FIR was registered on the information supplied by one Rafi Mohd. @ Pintu, who alleged as under:-

“We are two brother and two sisters. My elder brothers is doing work of scrap. My brother Javad and Pankaj son of Jeet Ram are frienda: and partners. Pankaj Was talking telephonically with Rahul son of Jagdish resident of 24 feet road, Malerna road, Adarsh Nagar. Rahul was gaving abuses to Pankaj on the phone. Pankaj said to him that I can came to your house for conversation. My

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brother and Pankaj told this to me and our friend Santosh son of Rajinder Yadav, Adil son of Islam Khan. We said that we would also accompany you for the said talk. On 29.05.2023 at about 11:30PM me, my brother Javad, our friend Adil, Santosh and Pankaj were just to reach near the house of Rahul and have reached in front of who doctor taking 10Rs prescription on 24 feet road, Adarsh Nagar, Malerna Road. Jagdish and his 4 sons 1. Rahul 2. Ravi 3. Titu 4. Amit, apart of them friends of Rahul 1. Atul 2. Vinod (Kano) 3. Rahul Pandit 4. Jonny @ Javed (of Mukesh Colony) 5. Sunil Mandbujia 6. Bhola and about 10-15 boys were standing there. They were having Dandas, Rod in their hands. They stopped our vehicle and Santosh has been dragged out by Rahul from the driver seat. We also tried to make them understand by coming out from the vehicle but they did not consider that and they attacked upon us with the rod, Danda and Knives carried by them in their hands. Sunil has inflicted many Danda blows to me also. Rahul etc all have inflicted many knives blows to my brother Javed and friend Pankaj. Javed has sustained injuries on stomach and Pankaj has sustained many injuries on his hand, chest, feet and hands. We raised voice for help, then, all these assailants thought that Pankaj and Javad are dead and they went away with their weapons after extending criminal intimidation to us. Me and my friend admitted Pankaj and Javed in the Manavata hospital, Balabgarh. Condition of Pankaj and Javed is very critical, Pankaj is on ventilator. Rahul and all his friends deceitfully and with a common intention called us to his house for talk and on the way they have given injuries with the iron rod, Danda, knives with intent to kill and with

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that intention have inflicted my knife blows on their body. I did not conduct my MLR. Adil and Santosh have also received injuries in this attack. Accused has inflicted fatal attack upon us. Legal action be taken against them.”

3. Counsel for the petitioner submits that in whole of the FIR, there is no overt act attributed to the petitioner apart from naming him.
4. Petitioner is behind bars for more than 08 months and 27 days. Challan stands presented, investigation stands concluded, thus there cannot be any apprehension that the petitioner shall tamper with the evidence. The petitioner has clean antecedents.
5. State counsel is not in a position to dispute the aforesaid factual assertions made by counsel for the petitioner.
6. 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.
7. 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

04.03.2024
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Whether speaking/reasoned : Yes

Whether Reportable : No