

Sumit alias Samiti

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Ashok Kumar Sehrawat, DAG Haryana.

PANKAJ JAIN, J. (Oral)

1. Prayer in the petition is for grant of regular bail in FIR No.336 dated 21.03.2022 registered for offences punishable under Sections 147, 148, 149, 285, 323, 341, 379-B, 427 and 506 of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (Sections 307, 325 and 294 of IPC added later on) at Police Station Hisar Sadar, District Hisar.

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

“Statement of Gaurav Punia son of Sh. Rajpal caste General resident of Satrod khurd, Hisar. Aged about 29 years and studied upto 12th standard. Mobile no. 90531-30037. Stated that I am resident of above mentioned address and is an agriculturist. On dated 18.03.2022 I was going to Hisar for my personal work in my vehicle Scorpio bearing registration number HR-76B-0026 and at that time vehicle was driven by Pawan and I was sitting beside him. When we are going towards Hisar from Village and when we turned towards Village BHP Colony. then in the front Rohit Balmiki, Sumit alias Simiti and his brother SUMIT ALIAS SAMITI and their

father name is Ramphal, Shubam who is maternal uncle of Sumit, Vishnu son of Ram Avtar resident of Garments Colony Mill Gate, Hisar and Vishnu's brother whose name I don't know and along with them Vishnu son of Sattu resident of Satrod Khas and long with 15-20 boys were having rods, Gandasi, axe and Chand cycle which were on the rods were standing. That Amit and Rohit said today Gaurav should not be spared and we will teach them lesson for becoming witness. After saying this all of them came in front of the vehicle and then Pawan stopped the vehicle and he ran away on alighting from the vehicle due to fear. I and Yashdeep alias Yugal were sitting in the vehicle, then Sumit and his companions took us out from the vehicle and Sumit who was having axe in his hand had hit the same on my head and Rohit who was holding Chand in his hand had hit the same on my right arm and after that all of them caused injuries on my hands, legs, head, face and waist My friend Yasdeep alias Yugal son of Hansraj Sharma was also given injuries by all of them with their respective weapons which they were holding in their hands and Smit snatched gold chain weighing 6 tollas from my neck and Rohit and Vishnu snatched away Rs. 25000/- and all of them damaged my vehicle with stones, rods and sticks and Anil was having pistol in his hand and to create fear he has fired in air and said that if anybody comes forward to rescue them, then he will be killed and after that we shouted mar diya mar diya and on listening to our voice my brother Happy and my father Rajpal came on the spot, then all the assailants ran away from spot with their respective weapons. The bone of contention was that around one year ago, Sumit and Rohit have caused knife injuries to Vishal alias Gayani son of Ram Kumar Saini who is from my village and on this a case under section 307 was lodged in Police Station Sadar Hisar and I was witness in the same and due to this reason they all caused injuries to me and my friend and snatched away gold and money from my pocket. Strict legal action be taken against all of them.”

3. Petitioner is the main accused who has been attributed axe blow on the head of the complainant. Custody certificate has been produced and as per the same, he is behind bars for more than 2 years and 17 days. Petitioner is a prior convict under the Arms Act.

4. Counsel for the petitioner submits that custody of the petitioner is getting prolonged for the reason that the complainant has opted not to appear. The complainant is being repeatedly summoned yet he has not appeared.

5. Learned State counsel does not dispute the aforementioned factual assertions.
6. Counsel for the petitioner submits that out of total 19 cited witnesses, 14 witnesses have been examined and custody of the petitioner is being prolonged deliberately by the complainant.
7. Without commenting upon the merits of the case and after going through records of the case, keeping in view the period of incarceration suffered by the petitioner, 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.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06-05-2024
spn

Whether speaking/reasoned :Yes
Whether Reportable : No