

2024:PHHC:046214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15846-2024
Date of decision : 05.04.2024

Ankush @ Nasib Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mohit, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, 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.423 dated 12.12.2022, registered for the offences punishable under Sections 147, 148, 149, 323, 379-B, 427, 452 and 506 of IPC, 1860 (Sections 324, 302, 307, 325 & 120-B of IPC, 1860 and Section 25 of Arms Act, 1959 added later on) at Police Station Bhuna, District Fatehabad.
2. As per the contents of the FIR, it was alleged as under:-

“xx xx xx

It is requested that we applicants 1. Garib Dass, S/o Gopi Ram are permanent residents of Chandan Nagar, Bhuna and that Ramdas father of Manoj in our family was expired and all are sitting on his home after his death and in meanwhile above said Kanshi Ram came on the kirana shop of Garib Dass for getting the mandal of biddi, then Shivam grandson of Garib Dass was sitting in the street that death has occurred in their family. Therefore, biddi

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cannot be sold, then due to that talk, Kanshi slapped on face of Shivam and after sometime called 30-40 persons on spot. And upon arrival, those persons opened attack through bricks stones on the houses in which knife blow was given on the stomach of Mukesh son of Garib Dass, brick in the head of Ravi, serious injuries were caused on the finger of hand and thumb of Ramesh and entire belongings of house were broken. Along with that they also snatched the gold chain from the neck of Mukesh. Police was also called on the spot. Then upon arrival of police they fled from spot. One two also caused damage in front of police then police called PCR two times. Then all accused fled from spot. They also did beating with the ladies of houses who also suffered injuries. Respected Sir, entire ward is totally fed up from those persons. They have also given life threat. Therefore, it is requested that legal action be taken against them and police force may kindly be deployed in our Mohalla so that no unforeseen incident could happen. We shall be grateful to you.”

3. Petitioner was not named in FIR, but has been nominated on the basis of disclosure made by co-accused Deepak. Deepak stands admitted to regular bail vide order dated 25.01.2024 passed in CRM-M-3087-2024. Petitioner has undergone actual custody of more than 01 year 03 months and 18 days. Majority of the co-accused including Mangal, Pintu, Sahil @ Pohla, Deepak, Sanjay, Vakil @ Gokal and Ram Niwas stand admitted to bail.

4. State counsel is not in a position to dispute the aforesaid fact.

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5. As per the custody certificate, the petitioner has clean antecedents.
6. Granting him parity and the incarceration already suffered by the petitioner, 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

05.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No