

CRM-M-18880-2024
CRM-M-18891-2024
CRM-M-21506-2024

2024:PHHC:064485



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 08.05.2024

232 (2 cases)

CRM-M-18880-2024

Amit

....Petitioner

Versus

State of Haryana

....Respondent

CRM-M-18891-2024

Sunil Kumar

....Petitioner

Versus

State of Haryana

....Respondent

311

CRM-M-21506-2024

Yash @ Yashu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Dr. Pankaj Nanhera, Advocate and
Mr. Pradeep Duhan, Advocate
for the petitioner
in CRM-M-18880-2024.

Mr. H.S. Kasan, Advocate
for the petitioner in CRM-M-18891-2024.

Mr. Ashish Tewatia, Advocate
for the petitioner in CRM-M-21506-2024.

2024:PHHC:064485



PANKAJ JAIN, J. (Oral)

1. The afore-captioned petitions have been filed by the petitioners under Section 439 Cr.P.C. seeking grant of regular bail pending trial in FIR No.281 dated 30.05.2023 registered for the offences punishable under Sections 148, 149, 323, 324, 325, 307, 341, 506 of the Indian Penal Code, 1860 (offence under Sections 302, 201 IPC added later on) at Police Station Adarsh Nagar, District Faridabad.

2. As per the contents of the FIR it has been alleged as under :

“xxxx I, Rafi Mohd. @Pintu son of late Umar Mohd. is resident of Bhimsen colony, Mohana road Balbgarh and is running cab. 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 friends 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 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 X them friends of Rahul 1. Atul 2. Vinod (Kano) 3.Rahul Pandit 4. Johny @ Javed (of Mukesh Colony) 5. Sunil Bhandbuja 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

2024:PHHC:064485



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 the way they have given injuries with the iron rod, Danda, knives with intent to kill and with 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.xxx”

3. Custody Certificates of the petitioners have been filed today in Court. The same are taken on record. Petitioners-Amit and Sunil are behind bars for more than 11 months and 06 days, whereas petitioner-Yash is behind bars for more than 09 months and 20 days.
4. Counsel for the petitioners submits that the petitioners have been named as Rahul Pandit in the FIR. The only allegation against them are that they were present on the spot with *danda*. Deceased has died of stab injury and the same has been attributed not to the petitioners but to Rahul son of Jagdish.
5. Learned State counsel does not dispute the aforesaid factual assertions.

2024:PHHC:064485



6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the aforesaid facts especially the role attributed to the petitioners, the incarceration already suffered by them and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

08.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No