



CRM-M-21849-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CRM-M-21849-2024
Date of Decision : 14.10.2024

Sonu @ Sapan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

- Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.676 dated 01.12.2023 (Annexure P-1), under Sections 147, 149, 323, 342, 365 and 506 of the IPC, 1860 (Sections 307 and 325 of the IPC, added later on), registered at Police Station Adampur, District Hisar, Haryana.
- The allegations against the petitioner are that he along with the other co-accused, firstly, abducted the complainant, and thereafter, gave merciless beatings to him, and secretly confined him in the fodder room. Due to the beatings given by the petitioner and the other co-accused, the injured-complainant, suffered as many as eight injuries, which includes four fractures. The Board of Doctors, vide opinion dated 15.01.2024, declared the injuries suffered by the injured-complainant, as dangerous to life. The petitioner was arrested in the instant case on 06.02.2024.



3. The instant FIR has been registered, on a complaint made by one Akshay, who is the injured-complainant. The relevant extract of the FIR (supra), is reads as under :-

“To the SHO, P.S. Adampur, District Hisar, it is requested that I, Akshay S/o Om Parkas, caste General, is resident of Village Chinder, District Fatehabad and is working in LNT Company, Tohana. About six months ago, me and Ritu D/o Sunil, R/o Kairampur, District Hisar had been talking to each other. Ritu's family got know about this, then a panchayat was convened between both the parties at my house. In that Panchayat compromise got affected. Then Ritu's father namely Sunil said that in future, Akshay should not pass through the road of our village, if he passes through our village road, then injuries would be caused to him. Yesterday on 30.11.2023 in morning at about 5 am, I was going to my Aunt (Maussi) Shanti's house to give money, then I was passing through Village Khairampur Road near the house of Ritu, then my phone was started ringing. I stopped my motorcycle, in the meantime, phone call ended. I started checking the phone, then in the meantime, an unknown person came there and started saying to me that why are you standing there and started asking me questions. In the meantime, Ritu's father Sunil also came there and started manhandling with me. Thereafter one man also came there to whom Sunil called as Patwari. All three of them gave beatings to me and they pulled me from there and took at the house of Sunil and 7-8 persons gathered there. Then all of them in connivance with each other gave injuries with the help of wooden sticks (Lakdi Ke Dande) and extended threats to kill, due to which I suffered severe injuries on my right hand and right leg. Thereafter, those persons locked me inside the cow fodder's room (Tudi ke Kothe). I kept screaming due to pain of injuries.



Thereafter, neighbor of Sunil informed at my house that your son has been abducted after giving beatings to him. On receiving the information, my father Om Parkash and my uncle (Tau) Dharampal and some other persons of Village came at the house of Sunil at Village Khaimpur and they rescued me from there and thereafter my family members admitted me for treatment at Civil Hospital, Adampur due to injuries suffered by me in quarrel. After that doctor referred me, thereafter my family members admitted me at Sapra Hospital, Hisar for treatment of the injuries. Ritu's father and his family members in collusion with each other after abducting gave injuries to me. Legal action be taken.”

4. On asking for the relief of regular bail, learned counsel for the petitioner submits that :-

- i) the petitioner has neither been named in the FIR (supra), nor any specific injury has been attributed to him;*
- ii) the petitioner has suffered incarceration of about 08 months and 21 days, as on date, and the trial in the instant case, is yet to begin;*
- iii) the petitioner has clean antecedents, and he is not involved in any other criminal case;*
- iv) the petitioner was earlier granted the relief of interim bail for 15 days by this Court, vide order dated 13.09.2024, and he has not misused the concession granted to him, and surrendered after completion of 15 days period.*

5. Learned State counsel has also placed on record the custody certificate dated 13.10.2024, qua the petitioner, today in the Court. The same is taken on record, which reflects that the petitioner has suffered incarceration



6. Learned State counsel, on instructions imparted to him by SI Mall Singh, has opposed the grant of concession of regular bail to the petitioner, and submits that the petitioner along with the other co-accused has caused serious injuries, which includes four fractures, therefore, he is not entitled for grant of relief of regular bail. Learned counsel on further instructions informs this Court, that the final report was filed on dated 02.04.2024, and charges are yet to be framed in the instant case. The prosecution has cited eight witnesses in the final report.

7. This Court has heard the rival submission of the parties concerned and is of the view that the instant petition is amenable to be allowed considering the facts that the petitioner has clean antecedents and has suffered incarceration of about 09 months, as on date; the trial is yet to begin and no specific injury is attributed to the petitioner.

8. Keeping in view the above facts and circumstances of the case, this Court deems it fit and appropriate to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

10. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 14, 2024
Manpreet