



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233-1

CRM-M-26008-2024 (O&M)
Date of decision : 28.05.2024

Lavkush @ Labu @ Lavkush Sharma

..... Petitioner

versus

The State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
with ASI Ajit.

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, 323, 324, 325, 307, 341 and 506 of IPC (Section 302 and 201 of IPC added later on) at Police Station Adarsh Nagar, Faridabad.

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

“To, SHO Sir, police station, Adarsh Nagar Balbgarh. Sir, it is submitted that 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

2024:PHHC:076040



feet road, Malerna road, Adarsh Nagar. Rahul was giving abuses to Pankaj on the phone. Pankaj said to him that I can come 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 them friends of Rahul 1. Atul 2. Vinod (Kano) 3. Rahul Pandit 4. Jonny @ Javed (of Mukesh Colony) 5. Sunil Bhandbujia 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

2024:PHHC:076040



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 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. 14 days thereafter supplementary statement was made by the injured-Pankaj stating that it was Aman who stabbed Javed.
- 4. Petitioner is neither been named in the FIR nor in the supplementary statement.
- 5. As per custody certificate produced by State counsel today in Court, the petitioner is behind bars for more than 10 months and 07 days.
- 6. 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

28.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No