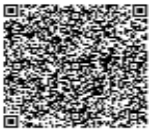


CRM-M-27379-2024
CRM-M-26383-2024

2024:PHHC:078988



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 31.05.2024

CRM-M-27379-2024

ARUN @ PAVVAPetitioner

Versus

STATE OF HARYANA ...Respondent

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CRM-M-26383-2024

VINODPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balraj Gujjar, Advocate
for the petitioner in CRM-M-27379-2024.

Mr. H.S. Kasan, Advocate
for the petitioner in CRM-M-26383-2024.

Mr. R.K. Ambavta, AAG, Haryana with Mr. ASI Rajesh.

PANKAJ JAIN, J. (ORAL)

Petitioners herein seek regular bail in case F.I.R. 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 (offences



punishable under Sections 302, 201 IPC added lateron) at Police Station Adarsh Nagar, District Faridabad.

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

“To The SHO, Police Station Adarsh Nagar, Ballabhgarh. Sir, I, Mohd. Rafi @ Pintu S/o late Mohd. Umar is resident of Bhimsen Colony, Mohna Road, Ballabhgarh. I do cab work. We are two brothers and two sisters. My elder brother do work of scrap. My brother Javed and Pankaj son of Jeet Ram are friends and partners. Pankaj was talking telephonically with Rahul son of Jagdish residence of 24 feet road, Malesa road, Adarsh Nagar. Rahul gave 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, in the car of Santosh I, my brother Javed, my friends Adil, Santosh and Pankaj were just to reach near the house of Rahul and have reached in front of who doctor taking Rs.10/- prescription on 24 feet road, Adarsh Nagar, Malerna road. Jagdish and his four sons 1. Rahul, 2. Ravi, 3. Tittu, 4. Amit, apart of these, the friend of Rahul, 1. Atul, 2. Vinod (Kano), 3. Rahul Pandit, 4. Jony @ Javid (Mukesh colony wala). 5. Sunil Mandbujia 6. Bholu and about other 10- 15 boys were standing there. They were having dandas, rods in their hands. They stopped our vehicle and Santosh has been dragged out by Rahul from 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 by rods and knives. We raised voice for help, then, all these

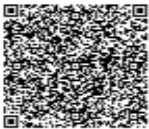


assailants thought that Pankaj and Javed are dead and they went away with their weapons after extending life threats to us. I and my friends admitted Pankaj and Javed in the Manavata hospital, Ballabgarh. Condition of Pankaj and Javed is very critical, Pankaj is on ventilator. Rahul and all his friends with a common intention, deceitfully called us to his house for talk and on the way they encircled us and have given injuries with the iron rod, danda, knives with intent to kill and caused many stab injuries. I have not got issued my MLR. Dil and Santosh also received many injuries. The accused persons launched deadly attack on us. Legal action be taken against them. I have presented my complaint and MLR of Adil and Santosh at Manavta Hospital, dated 30.05.2023.xxxxxx”

3. Custody Certificates of the petitioners have been filed today in Court. The same are taken on record. As per the same, both the petitioners have undergone actual incarceration of more than 11 months. So far as petitioner-Arun @ Pavva is concerned, he has clean antecedents. However, petitioner-Vinod has two more cases.

4. Counsel for the appearing for petitioner-Vinod submits that in both of those cases the petitioner already stands admitted to bail.

5. Counsels representing the petitioners submit that the deceased in the present case is Javed and none of the petitioners has been attributed any injury on the person of Javed. So far as Arun @ Pavva is concerned, he has been attributed stone blow on the head of the injured Pankaj and Vinod has been named in the FIR but not attributed any injury to Javed. Further



reliance is being placed upon order dated 4th of March, 2024 passed in CRM-M No.10160 of 2024 whereby co-accused Atul stands admitted to bail and on order dated 8th of May, 2024 passed in CRM-M No.18880 of 2024 and connected matters, whereby Amit, Sunil Kumar and Yash @ Yashu stand admitted to bail.

- 6. State Counsel is not in position to dispute the factual assertions made by counsels for the petitioners based on record.
- 7. I have heard counsel for the parties and have gone through records of the case.
- 8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that none of the petitioners has been attributed fatal blow or blow on the body of the deceased, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
- 9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 10. A copy of this order be kept on the file of other connected case.

May 31, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No