



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26327 of 2024
Date of Decision: 12.08.2024

Rakesh ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jatin Bansal Kotshamir, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
39	21.01.2024	Ladwa, District Kurukshetra	148, 149, 307, 323 and 506 of IPC

2. Facts relevant for the purpose of disposal of the present petition are that on 20.01.2024, on receipt of a ruqa regarding admission of the injured complainant Rajesh Sharma and Surjit in Government Hospital, Ladwa and then about referring them to Civil Hospital, Kurukshetra, a police party reached at the Civil Hospital, Kurukshetra on 21.01.2024 and recorded statement of complainant Rajesh Sharma who was admitted therein, to the effect that he was running a brick kiln at Village Bani. On 19.01.2024, he had removed the services of his driver i.e. the present petitioner-Rakesh as he was not performing his job

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satisfactorily. On 20.01.2024 at about 5:15 PM, when he was present in a brick kiln then the petitioner-Rakesh along with the co-accused Parmod, Sahil, Suraj and Nirmal reached in his brick kiln. At that time, the complainant was having conversation with his accountant Surjit with regard to clearance of the account of the petitioner-Rakesh. The accused Parmod while proclaiming as to who he was to clear their accounts, opened an assault upon the complainant and Surjit. Due to fear, the complainant rushed towards his office to inform the police. Then all five of them started assaulting Surjit. The complainant along with witnesses Vikram and Sanjay Kumar tried to rescue Surjit but he was pushed on the ground. Thereafter, the petitioner-Rakesh tried to run the complainant over with a tractor by driving the same, with an intent to kill him. The co-accused Parmod, Sahil, Suraj and Nirmal gave him kicks while he was lying down. Accused Sahil struck a blow with danda. The accused Parmod took a sum of Rs.90,000/- from his pocket and then all of five fled from the spot while extending threats to him. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The present petitioner was arrested in this case on 24.01.2024. The remaining accused were also arrested. The investigation has since been completed and challan stands presented. The petitioner had moved application for grant of regular bail before the trial Court which had been dismissed vide order dated 15.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He along with the other accused had

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sustained injuries in the same occurrence and the co-accused Parmod had even remained admitted in hospital but no case was registered on their complaint and rather a case is registered against them. He was arrested on 24.01.2024 and is in custody since then. The investigation has completed. His custodial interrogation is not required. Trial has commenced but is likely to take time. The allegation against him are that he had tried to run over the complainant while driving the tractor. However, no such injury had been found on the person of the complainant which could be stated to be dangerous to life. Rather all the six injuries which have been found on his person have been declared to be simple and no evidence as to receiving any injury due to being crushed/run over, has been opined to be received as per the medico legal report. He is in custody for a period of more than six months. No useful purpose would be served by detaining him in custody any more. Hence, it is argued that he deserves to be released on bail.

4. Per contra, learned State counsel has argued that the petitioner by forming membership of an unlawful assembly with the co-accused had assaulted the complainant and his accountant Surjit on 20.01.2024 and it was he who was the kingpin of the crime as he had made an active attempt to kill the complainant by trying to run him over with a tractor. It is further argued that he may intimidate the witnesses, if extended benefit of bail. As such, it is urged that he does not deserve to be released on bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to have formed membership of

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unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have opened an assault upon the complainant and his accountant Surjit on 20.01.2024 and caused injuries to them. As per the medico legal report of the injured Rajesh Sharma, six injuries were found over his person which were declared to be simple in nature. No such injury which could be stated to be dangerous to life has been diagnosed. A perusal of the medico legal report does not reveal that any crush injury due to his being run over had been found on his person. As such, it is a question of trial as to whether any attempt to kill the complainant had been made by the petitioner along with the co-accused? The petitioner is in custody since 24.01.2024. The trial is likely to take time. His further detention would not serve any useful purpose. Keeping in view the above discussed facts, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No