

[223] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40505-2023
Date of Decision : 15.01.2024

Robin alias Ravi ...Petitioner
versus
State of HaryanaRespondent

Coram : **HON’BLE MR. JUSTICE DEEPAK GUPTA**
Present : Mr. Yash Dev Kaushik, Advocate for the petitioner.
Mr. Sumit Jain, Addl. AG, Haryana.
Mr. Kamal Chaudhary, Advocate for the complainant.

DEEPAK GUPTA, J. (ORAL)

[1] On 16.11.2023, the following order was passed by this
Court:-

“ Present: Mr. Yash Dev Kaushik, Advocate for the petitioner.
Mr. Randhir Singh, Addl. AG, Haryana.
Mr. Kamal Chaudhary, Advocate for the complainant.

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0690 dated 03.11.2022 registered under Sections 120-B, 302, 323, subsequently added 201 of the IPC registered at Police Station Suraj Kund, Faridabad, District Faridabad.

As per prosecution allegations, on 03.11.2022 complainant Sonu along with his brother Gaurav left their home. On reaching near Government Hospital, Bus Stand, Anangpur, Gaurav was cleaning his auto and complainant was standing on the side, when co-accused Ankit came on a motorcycle. Another boy came on another motorcycle. One or two boys were already standing there. Ankit took out a knife and repeatedly gave knife blow on the chest of Gaurav. It is further alleged that companions of Ankit who were already present at the spot started beating the complainant. Ankit also hit the brother of the complainant with a bucket. Large number of peoples gathered there and assailants fled away from the spot.

It is contended by learned counsel that petitioner is not named in the FIR; that no injury is attributed to the unknown persons who were accompanying the main accused Ankit.

On the other hand, learned State counsel has drawn attention towards the reply filed by respondent- State, as per which co-accused Ankit during his disclosure statement stated that petitioner is directly involved as he helped Ankit during the occurrence by providing rod to him. Custody certificate has been placed on record by learned State counsel.

Since, as per the allegations, complainant was also caused injuries by companions of Ankit, so prosecution is directed to place on record copy of the MLR pertaining to Sonu. It be also made clear that how the name of the petitioner has surfaced because apart from Ankit, nobody else was named in the FIR.

Adjourned to 15.01.2024. ”

[2] Pursuant to the aforesaid order, today it is informed by learned State Counsel that there is no MLR, pertaining to complainant-Sonu. Learned State counsel further submits that it is in the disclosure statement of co-accused Ankit that name of the petitioner Robin alias Ravi surfaced. Learned State Counsel also drawn attention towards the disclosure statement (Annexure R-2), which would reveal that it is co-accused Ankit, who had given knife blows to the deceased. Later on, the petitioner-Robin alias Ravi had allegedly thrown a rod towards Ankit and then with that rod also, co-accused Ankit had caused injuries to Gaurav.

[3] It is thus apparent from the aforesaid circumstances, that no injury whatsoever is attributed to the deceased on the part of the petitioner Robin alias Ravi. Said fact is fairly conceded to by the learned State Counsel as well as by counsel for the complainant.

[4] As per the custody certificate dated 13.01.2024 placed on

record, the petitioner is in custody for the last 01 year, 02 months and 05

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days. He has no criminal antecedents. Trial may take time to conclude.

[5] Having regard to all the above facts and circumstances and the fact that trial is likely to take time to conclude, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

15.01.2024
'Rajneesh'

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