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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-2459-2023

Date of Decision:- 28.08.2024

NIKHIL AND ANR

....Petitioners

Vs.

STATE OF HARYANA & ANR.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munish Behl, Advocate for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Anil K. Lamdaria, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

1. Petitioners – Nikhil and Rohan have filed criminal appeal assailing order dated 16.08.2023 passed by learned Additional Sessions Judge, Faridabad in FIR No.90 dated 20.02.2023 under Sections 147, 148, 149, 323, 452, 506 of IPC, 1860 (Later-on Sections 325 and 201 of IPC and Section 3 (1) (R)-33-89 SC/ST Act, 1989 were added) registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

2. Facts of the case are that Gaurav complainant gave his statement that on 15.02.2023 at about 5 pm construction material was to arrive in a tractor trolley, therefore, he requested Sunder son of Ved Ram Singh to



park his vehicle to some other place. Sunder talked to him in a rude manner and abused him. He slapped on his face. Two more persons Nikhil Bainsla and Bhola sons of Azad also started fighting with him. He was rescued by his mother. After about 10 minutes Sunder Bainsla, Azad Bainsla, Nikhil Bainsla, Anuj Bainsla, Bhola and 40-45 persons came to his house and entered forcibly. They attacked him with their respective weapons like lathi, danda, iron rod and sword with the intention to kill him. His wife Radha tried to rescue him, who was also given filthy abuses. All the accused were aware of their caste and used abuses naming their caste. He and his brother were badly injured. With these allegations, present FIR was registered.

3. Learned counsel for the petitioner argued that without considering the facts and circumstances of the case, his regular bail application was wrongly declined by the Court of learned Additional Sessions Judge, Faridabad vide order dated 16.08.2023. Allegations levelled in the FIR are totally false and baseless. On 15.02.2023 altercation took place due to trivial issue of parking of vehicle. Matter was reported to the police by Sunder and complaint dated 15.02.2023 (Annexure P-2) was filed. Later-on matter was compromised with the intervention of friends and relatives. Therefore, no further action was taken on application dated 15.02.2023. Letter to SHO, Police Station SGM Faridabad is Annexure P-3 and copy of rapat roznamcha Serial No.28 dated 15.02.2023 is Annexure P-4. Thereafter, complainant Gaurav with malafide intention filed application dated 16.02.2023 which is Annexure P-5. Again panchayati compromise took place and letter was addressed to SHO which is Annexure P-6. Thereafter, complainant filed complaint with malafide



intention on the basis of which FIR No.90 dated 20.02.2023 (Annexure A-1) was registered. It is argued that petitioners have already joined the investigation. They were arrested on 11.07.2023. In-fact father-in-law of the complainant is in a habit of filing such like false complaints. Present petitioners will abide by the terms of bail order. Therefore, their regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing respondent No.2. Learned counsel representing State of Haryana has also filed status report giving detail of various FIRs registered on the statement of father-in-law of the complainant namely Anil Baba.

5. I have considered the arguments. At present petitioners are on interim bail as per order dated 27.09.2023. From the facts of the case, it is clear that both petitioners were arrested and have already joined the investigation. They are not required for any other purpose. Trial in this case will take some time. They cannot be kept behind the bars for indefinite time. Therefore, without expressing my mind on merits, bail application preferred by petitioners is accepted and impugned order dated 16.08.2023 is accordingly set aside. Both petitioners are ordered to be released on bail in the aforesaid FIR on furnishing bail bonds and surety bonds to the satisfaction of trial Court/ Duty Judge concerned.

6. Present appeal is accordingly accepted.

7. Pending application (s) if any also stands disposed of.

28.08.2024

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(AMARJOT BHATTI)
JUDGE

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