

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227 CRM-M-44957-2023
Date of Decision.:12.02.2024

Rahul Saini @ KalePetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Learned counsel for the petitioner has placed on record attested copy of the statement of complainant Vivek and also that of Afsar Hussain, during trial.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.196 dated 26.03.2023 registered under Sections 148, 149, 323, 387, 427, 395, 397, 506, 120-B, 201 of the IPC registered at Police Station Sector 10-A, Gurugram, District Gurugram.

3. As per prosecution allegations, complainant Vivek is working as a water supplier in the companies at Gurugram. He had taken the contract to supply the water in Royal Green and MVN Companies and had constructed katcha houses for his office work and residence of the labourers. Four-five days ago, he received a call from a mobile and the caller disclosed his name as Sumit @ Bava claiming to be member of Tota Gang

and asked him to stop the work of water supply in Royal Green and MVN Companies, failing which he shall be required to pay ₹5000/- per month and in case of failure to do so he will be killed. It is alleged further that on 25.03.2023, when complainant Vivek went to Rajasthan for some personal work, he was called at about 08:20 p.m. by his Peon Akhtar Hussain that 10-12 persons had come to his office a few minutes ago and caused injuries to him and the Security Guard Samrul Haq by various weapons and that they had snatched their mobile and sim card. The assailants had also caused damage to their tankers, alto car, threatened them and asked them to inform the complainant not to supply water to Royal Green and MVN Companies. It was alleged that out of those 10-12 persons some were referring to each other by names of Sumit @ Bava, Varun @ Pondi and Gopal. After reaching Gurugram, Vivek moved a complaint to the police on 26.03.2023, on which basis FIR was registered. Petitioner was arrested on 27.03.2023.

4. Learned counsel for the petitioner contends that petitioner is not named in the FIR; that he has been falsely implicated in this case. By drawing attention towards the testimony of complainant Vivek and also that of injured Afsar Hussain, it is contended that even these witnesses have not named the petitioner to be amongst the assailants.

5. Learned State counsel could not refute the aforesaid contentions. As per the testimony of PW-1 Vivek, the accused facing trial (which included the petitioner) were not amongst the assailants. Similarly, Afsar Hussain, testified during trial that the accused present in the Court (including petitioner) were not amongst the assailants to have caused injuries

to him.

6. Petitioner is in custody since 27.03.2023 i.e. for the last more than 10 months. He is not involved in any other case as per the custody certificate available on record. Trial may take time to conclude.

7. Having regard to the above facts and circumstances, 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

February 12, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No