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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-59679-2023
Date of decision : 05.02.2024

Jagminder @ Sudda Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.298 dated 16.07.2023, registered for the offences punishable under Section 25 of Arms Act, 1959 and Sections 148, 149, 308, 323 and 325 of IPC, 1860 at Police Station Israna, District Panipat (Challan has been presented under Sections 308, 323, 325, 452, 506 and 34 of IPC).

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

“To the SHO Sahab. Sir, it is requested that I Monu son of Rajender is the resident of Village Dahar and submits that on dated 09.07.2023 at around 12.45 PM in the day time, 7-8 persons came to my house with the threats to kill. And on the next day on 10.07.2023 I was sitting on my plot, when 7-8 persons attacked on me, there and then. Out of them, two persons were having weapons, one was

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having country made pistol and one was having pistol and rest of them were having iron rods and they all started beating me and due to which I received number of injuries and they snatched an amount of Rs.69,500/- which were in cash with me and three tola gold chain worn by me and while going, they threatened me that if I make any complaint to the police, then will kill you. I have CCTV Footage of both the days. The names of the accused persons are that 1. Jagminder @ Sunda son of Krishan Village Ganjpad, Panipat, Mobile No.98961-88038, 2. Ravinder @ Nanha son of Rajbir, Numberdar Village Dahar, Mobile No. 9050008400; 3. Satish alias Jhabbu son of Krishan Pandit, resident of Village Dahar, 4. Sumit son of Krishan Fouji, 5. Amit residnet of Dehra, Samalkha, 6. Amarjeet of Village Siwah, Mobile No. 9034850547. 7. Rajipa of Village Siwah, Mobile No. 8950385024, 8. Raku alias Raka of Village Siwah, who were identified by me. 2-3 persons were in the vehicle, I do not know them. I know only these 7 persons. In the next day 4-5 persons came to take away the DVR of my cameras, but unable to take away. They all are liquor contractor and also do the business of illicit liquor. I have threat of my life from all of them. Kindly take strict legal action against all the accused persons. I shall be highly thankful to you. Thanking you. Applicant Sd/- Monu son of Rajender, village Dahar, Mobile No.9728004636, dated 16.07.2023.”

3. Counsel for the petitioner submits that during the investigation, it has come on record that the CCTV footage was analyzed and thereafter it was found that no incident of snatching of

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Rs.69,500/- or gold chain was correct. It has been claimed that the present petitioner hit Monu with hukka on his head. The charge framed is qua offence punishable under Section 308 of IPC and not 307 of IPC. Petitioner is behind bars for more than 06 months and 09 days.

4. Bail plea is being opposed by the State counsel on the ground that the petitioner is habitual offender and has 03 more FIRs against him.

5. Having heard rival contentions and after going through the records of the case, keeping in view the incarceration suffered by the petitioner, nature of allegation and the nature of evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No