

CRM-M-60470-2023

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2024:PHHC:027873

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60470-2023
Date of decision : 28.02.2024

RAHULPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Joginder Siwach, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.113 dated 20.02.2023 registered for the offences punishable under Sections 147, 149, 186, 307, 323, 332, 353, 427, 120-B of the IPC, 1860 at Police Station Azad Nagar, District Hisar.

2. As per the contents of the FIR it was alleged as under :

""To The Chowki Incharge Mangali, Hisar. Sir, Requested that I Yoginder Kumar ESI Belt No.1099 Hisar and is posted as Incharge on ERV 318 No.HR 99 0318. Today on 19.02.2023 time about 10.30 PM, I and SPO Dhrender Pilaniya 316 Hisar, Driver Sandeep Kumar 998 Hisar were on patrolling and were coming from Village Daya towards Mangali Surtiya and when we reached at Bus Stand Mangali Surtiya then on the Bus Stand Mangali Surtiya 7-8 young boys standing having danda and iron rods in their hands. Out of them one boy gave signal to stop the vehicle and as the vehicle stopped then all attacked on us with an intention to kill with lathi, danda and iron rods and blow of one boy hit to door

wiser due to which the door wiser of the vehicle broken down and another boy gave danda blow on the front mirror of the vehicle due to which front mirror of the vehicle broken down and in this incident driver and Sandeep Kumar and I received internal injuries. After the incident the above said young boys started running from the spot with their dandas and iron rods then driver Sandeep Kumar apprehended one boy at the spot by running and on asking his name and address told his name Ajay son of Rameshwar Nayak resident of Mangali Surtiya and the names of other friends involved in the incident Ravi son of Surender Balmiki, Rahul son of Bodi Balmiki, Devinder son of Shamsher Chamar and Kuldeep @ Mama resident of Mangali Surtiya and names of other 2-3 I do not know. The above said young boys by creating hindrance in the Govt duty and on attacking us to kill caused injuries and Vehicle Govt. ERV 318 No.HR-99-0318 have been damaged with lathi dandas. Legal action be taken against above accused persons”

3. Custody Certificate has been produced. As per the same the petitioner has undergone actual custody of more than 10 months and 2 days by now and has clean antecedents.

4. Counsel for the petitioner submits that the petitioner has no role as per the contents of the FIR and has been nominated on the disclosure made by Ajay during the course of investigation which itself would be barred by Sections 25 and 26 of the Evidence Act. Further relies upon order dated 23rd of January, 2024 passed in CRM-M No.2532 of 2024 whereby co-accused Ravi @ Ravi Kumar stands admitted to bail. Thus, he submits that the petitioner deserves parity *viz-a-viz* Ravi @ Ravi Kumar as well.

5. Per contra, State Counsel is opposing bail plea on the ground that the *danda* has been recovered from the petitioner. However, he does not dispute that the challan stands presented and out of 13 most material

witnesses, 2 stand examined. Thus, the trial is not going to conclude in near future.

6. Having heard rival contentions of the parties and after going through records of the case, keeping in view the nature of allegations against the petitioner and nature of incriminating evidence him, and the fact that the petitioner has clean antecedents and the trial is not likely to conclude in near future, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 28, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No