

(2020) 02 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Main No. 5581 Of 2020 (O&M)

Deepanshu @ Sukha

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 12-02-2020

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 307, 323, 341, 354, 506

Arms Act, 1959 — Section 25

Code Of Criminal Procedure, 1973 — Section 161

Citation : (2020) 02 P&H CK 0046

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Pankaj Kaushik, Naveen Sheoran

Final Decision : Disposed Of

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for grant of regular bail in FIR No.512 dated 09.09.2019 under Sections 148, 149, 307, 323, 506 IPC and Section 25 of Arms

Act, registered at Police Station City Sonapat.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Amit, when he was sitting in his shop about

10 days before registration of the FIR, some young boys, while holding weapons, came to his shop and attacked him and they were Abhimanyu, Sahil,

Ritik, Pankaj and Aman. He had given a complaint to the police, however, no action was taken. It is further stated that on the date of incident, the

aforesaid persons again came to his shop; one person was holding a sword, whose name he do not know and another boy of Village Tharu namely

Shilu came and asked him who is Amit and then he signalled the others and one

person fired a shot, which hit on the hand of his friend Saurabh.

Thereafter, the aforesaid boys attacked upon him with lathis, danda and sword and after inflicting the injuries, they fled away.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and his name surfaced later on. As per the statement

recorded under Section 161 Cr.P.C. of injured Saurabh, in which he has stated that the person, who was carrying sword, was named as Shilu and the

petitioner was not named even in the statement. It is further submitted that the petitioner is a student and in fact, it was a dispute between the

complainant and one Sarvesh, as complainant Amit and Saurabh used to tease sister of Sarvesh and in this regard, she has given a complaint to the

police on 31.08.2019 but no action was taken. When the sister of Sarvesh approached the higher police officials, FIR No.579 dated 09.10.2019 under

Sections 341, 354, 506 IPC was registered at Police Station City Sonapat. It is thus submitted that the petitioner has been falsely roped in the case just

because he was known to said Saurabh.

Learned State counsel, on instructions from SI Satvir, has not disputed the factual position, however, submitted that the sword was recovered from the petitioner.

Without commenting anything on merits of the case, considering the fact that the injury invoking Section 307 IPC is attributed to co-accused

Abhimanyu and the petitioner was not named in the FIR as well as in the statement of injured Saurabh recorded under Section 161 Cr.P.C., this

petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial

Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.