

Mohan Raghav Vs State of Haryana

CRM-M-22556 of 2014

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 21, 2014

Acts Referred:

Arms Act, 1959 " Section 25, 27, 30#Penal Code, 1860 (IPC) " Section 148, 149, 302, 307, 323

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Baldev Singh, Senior Advocate and Dipender Singh, Advocate for the Appellant;
Rajat Mor, D.A.G., Haryana, Advocate for the Respondent

Judgement

Mehinder Singh Sullar, J.

Petitioner-Mohan Raghav son of Dharampal, has preferred the instant petition for the grant of concession of

regular bail, in a case registered against him along with his other main co-accused Manoj @ Allu, Raj Kumar @ Raju, Dinesh and others, vide FIR

No. 317 dated 11.12.2012, on accusation of having committed the offences punishable under Sections 148/149/302/307/323/325 IPC and

25/27/30/54/59 of Arms Act, by the police of Police Station, Kherki Daula, District Gurgaon.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after deep consideration over the

entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution claimed that on 11.12.2012, some altercation (quarrel) had taken place between the accused party and complainant

party, in which, petitioner-Mohan Raghav was stated to have given blow with IRON rod, which landed on the right ear of complainant-Ajay

Kumar. No other specific role of other particular injury is attributed to him in the first incident. Thereafter, injured were moved to Sunrise Hospital

where second occurrence had taken place in which other co-accused of the petitioner caused injury to Joginder Singh culminating to his death.

Indisputedly petitioner was neither present at the spot nor participated in the second (subsequent) occurrence. Not only that, even material eye

witnesses namely Ankit and Ajay did not support the prosecution version at all in the trial Court.

5. Moreover petitioner was arrested on 07.05.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain

him in jail. There is no history of his previous involvement in any other criminal case. It is not a matter of dispute that Raj Kumar alias Raju, Manoj

@ Allu and Dinesh, to whom, specific injuries were attributed, have already been granted the concession of regular bail by a Co-ordinate Bench of

this Court (Sabina, J.), by way of order dated 21.10.2013 (Annexure P-7). Therefore, in that eventuality, I say no reason not to extend the

concession of regular bail to the present petitioner, to whom no role at all is attributed relatable to second incident. The final conclusion of trial will

naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-

in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the

instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the

satisfaction of the trial Court.

7. Needless to mention that, nothing observed here-in-above, would reflect on the merits of the main case, in any manner, as the same has been so

recorded for a limited purpose of deciding the present petition for regular bail only.