

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1969-2015

Date of Decision: January 27, 2015

Teena @ Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Teena @ Ramesh, son of Balraj, resident of Teekli, Police Station, Badshahpur, District Gurgaon, who has been booked for having committed the offence punishable under Section 302 read with Section 34, IPC; and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in a case arising out of FIR No. 429, dated 9.11.2013, registered at Police Station, Badshahpur, District Gurgaon.

Learned counsel contends that Sanjay (PW-1), only eye-witness of the occurrence, has failed to support the prosecution

case qua the petitioner; there is no other evidence which would conclusively connect the petitioner with the alleged offence; as per prosecution version, the deceased, petitioner and three more persons were taking liquor when the alleged incident of causing injuries to the deceased had taken place, which clearly spells out that there was no previous history of hostility between the petitioner and the deceased; applicability of Section 302 read with Section 34, IPC, would a moot point during trial; and that after leading of some evidence by the prosecution, an application under Section 319, Cr.P.C., was moved for summoning of additional accused and the same was allowed and, as such, the petitioner has to face *de novo* trial. He further submits that the petitioner is behind the bars from 9.11.2013.

Learned counsel for the State on instructions from ASI Desh Raj of Police Station, Badshahpur, District Gurgaon, very fairly concedes that the complainant (PW-1) has not supported the prosecution case qua the petitioner. However, a stick (*Danda*) smeared with blood was recovered at the instance of the petitioner, which was used in the occurrence for causing injuries to the deceased and, as such, the petitioner can be convicted on the basis of such evidence. He further concedes that the petitioner is behind the bars from 9.11.2013 and now he has to face *de novo*

trial after allowing of the application under Section 319, Cr.P.C.

After hearing learned counsel for the parties and going through the material available on record, this Court is of the considered opinion that the petitioner deserves the concession of bail in this case at this juncture and, as such, the present petition is allowed. The petitioner, Teena @ Ramesh, son of Balraj, resident of Teekli, Police Station, Badshahpur, District Gurgaon, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds in the sum of Rs. 1,00,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

January 27, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE