

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20605 of 2015 (O&M)
Date of Decision: 02.07.2015

Deepak @ Badri

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. V.S. Virk, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 1046 dated 16.11.2014 under Sections 452, 323, 302, 34 I.P.C and section 3 of S.C./S.T Act, registered at Police Station, Sadar, Hisar.

Learned counsel for the parties have been heard.

As per prosecution version the occurrence took place on 14.11.2014 at a liquor vend being run by a contractor namely Sujinder Singh. F.I.R in question was registered on 16.11.2014 on the statement of Sujinder Singh, wherein he had stated that Vijay (since deceased) was working as a Salesman at the liquor vend and on 14.11.2014 at about 7.30 P.M when he along with one Devender had reached the liquor vend for giving food to Vijay, then, they found the deceased lying on a cot and having suffered injuries on his feet, hands and stomach. Vijay was then stated to have been taken to General Hospital, Hisar for treatment and family members of Vijay were informed by telephone. Thereafter, Vijay was shifted to a private hospital to facilitate better treatment. As per initial

statement of Sujinder Singh unknown persons had caused injuries to Vijay and in such statement no motive for such attack and occurrence was furnished.

It has gone uncontroverted that the present petitioner has been implicated on the statement of deceased Vijay himself recorded on 22.11.2014. Copy of such statement has been placed on record at Annexure P-2. Even as per such statement, apart from the present petitioner, Sunil son of Raj Kumar, Manoj son of Bharat Singh and Vikas were also named and were stated to be armed with iron rods and hockey sticks. The assertion in the statement of deceased Vijay is with regard to having been attacked by all the accused including the present petitioner and of having caused injuries.

It would be surprising to note that the doctor of a private hospital declared deceased Vijay fit to make a statement and upon which ASI Ramesh Chander recorded statement and such statement is not even signed by the doctor himself. Nothing has been shown to this Court to substantiate that any efforts had been made to call the Magistrate concerned while recording the statement. Furthermore, the statement recorded on 22.11.2014 at Annexure P-2 apart from carrying the signatures of Ramesh Chander carries the signatures of Rajender Kumar, who happens to be none other than the real brother of Vijay Kumar deceased.

It would also be apposite to notice that during the course of investigation Sunil son of Raj Kumar, who had been specifically named in the alleged statement recorded of deceased Vijay Kumar, he has been found innocent.

Investigation in the case having been completed, challan was presented on 17.2.2015 and thereafter even charges have been framed on

16.4.2015. Learned State counsel further apprises the Court that none of the prosecution witnesses have been examined till date. The trial, as such, is still at the very initial stage and would take time to conclude.

Petitioner has been in custody since 27.11.2014.

Without making any observations on merits, present petitioner is held entitled to the benefit of bail.

Present petition is, accordingly, allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Hisar.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.07.2015
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