

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-23373-2015 (O&M)

Date of Decision: October 16, 2015

Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Vivek Kathuria, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr.Sandeep Kumar Sharma, Advocate
for the informant.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Satish, son of
Sh.Rajender, Caste Jat, resident of village Nahri, Tehsil and
District Sonapat, Haryana, who has been booked for having

committed the offences punishable under Sections 148 and 302 read with Section 149, IPC (Challan presented under Section 302 read with Section 34, IPC) in a case arising out of FIR No.222, dated 03.08.2014, registered at Police Station, Kundli, Sonapat.

As per prosecution version, elder brother of Informant Jitender, namely, Virender went to irrigate the fields on 30.07.2014, where some altercation took place between him and Kuldeep on account of canal water and due to this reason he was having grudge against their family.

On 03.08.2014 Virender along with Joginder went to the fields for the purposes of putting urea on the fields. At about 11.00 a.m. petitioner Satish and his co-accused Kuldeep, Davender and Arun came there. Co-accused Ranbir also came there along with one boy on motorcycle; all the accused started beating Virender; informant and Joginder were attracted towards Virender in order to save him, then petitioner and other persons started beating the informant with *dandas* and *lathis*. Thereafter Arun and Ranbir started beating Joginder with *lathi* and *danda*. Further allegations are that Davender caught hold of Virender and Kuldeep gave a knife blow on his left thigh. On making noise all the assailants fled away from the spot. As per postmortem

report of deceased Virender two injuries were shown on his person. Injury No.1 on left thigh proved fatal whereas injury No.2 is shown to be blunt injury only.

Learned counsel for the petitioner states that there is no overt act shown on behalf of petitioner except the general allegation that he along with others participated in the occurrence. He further states that petitioner is in custody since 13.08.2014. Out of 20 prosecution witnesses 6 have been examined. Trial may take some time to conclude. He further states that co-accused of the petitioner, namely, Ranbir, has already been granted bail by this Court vide order dated 25.05.2015 passed in CRM-M-16298-2015

Learned counsel for the State very fairly conceded that case of the petitioner is at par with co-accused Ranbir, who has already been granted bail by this Court.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Satish, son of Sh.Rajender, Caste Jat, resident of village Nahri, Tehsil and District Sonapat, Haryana, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial

Magistrate/ Duty Magistrate, Sonapat.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

October 16, 2015
meenu

(NARESH KUMAR SANGHI)
JUDGE