

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-30731 of 2016
DECIDED ON: SEPTEMBER 09, 2016

SANDEEP @ DEEPA

....PETITIONER

VERSUS

STATE OF HARYANA.

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Harpreet Kaur, AAG, Haryana

JASPAL SINGH, J

By virtue of this petition preferred under Section 439 Cr.P.C., petitioner has sought bail in case bearing FIR No. 218, dated April 12, 2014, under Sections 148, 149, 302, 452, 324, 323, 506, 307 and 326 IPC, registered at Police Station Narnaund, District Hisar.

The instant case stands registered on the statement of Manjit son of Mahabir, who unfolded that he was present at his house at 8.30 a.m., then he heard a noise, which was coming from the house of his uncle (Tau) Dharmabir. He observed that Raj Kumar son of Dhanpat; Jagdish son of Balbir; Rajesh son of Balbir; Ramrattan son of Balbir; Balbir son of Bhale Ram; Vikas @ Pala son of Raj Kumar; Sukhbir son of Wazir; Pardeep @ Arjun son of Dharambir; Sonu son of Raj Kumar; Sandeep @ Deepa son of Tara; Pardeep @ Kala son of

Dharambir; Manoj @ Modi son of Satpal; Suman wife of Ramrattan; Om Pati wife of Balbir; caste jat; residents of Kheri Jalab were having in their respective hands lathi, gandasi, jelly etc were assaulting over and upon the house of his uncle. When the complainant reached there then Raj Kumar gave a lathi blow on his shoulder; Jagdish gave a blow of lathi on his waist; Rajesh gave a blow of lathi to Santro; Balbir inflicted lathi blow to Kuldeep; Sukhbir also inflicted injuries of lathies to Kuldeep. Ramrattan, who was having gandasi in his hand gave its blow on the head of Subhash and remaining accused who were having lathies and sticks in their respective hands also inflicted injuries to the complainant party. It was further unfolded that Suman and Ompati caught hold of Roshani and thereafter Vikas @ Kala gave a blow of gandasi on her head. Injuries were also inflicted to Pardeep by Sonu; Sandeep @ Deepa; Pardeep and Manoj with lathies and sticks. Thereafter complainant raised an alarm of their rescue. Thereafter other inhabitants of the village reached there. Accused thereafter escaped from the place of occurrence having their respective weapons in their hands but at that time they given threatening to the complainant with dire consequences.

The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case. Even otherwise he did not inflict any major injury on the person of the deceased. He has been arrayed one of the accused by levelling false allegations at the instance of complainant. Moreover, there are as many as 44 witnesses stated by the prosecution and only one PW Roshni has been examined. After her examination as a witness, an application under Section 319 Cr.P.C. was moved for summoning the co-accused to stand trial alongwith the petitioner but that application was dismissed. The

conclusion of trial would certainly take long time and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period. Petitioner also undertakes to cooperate with the investigating agency and abide by all the terms and conditions imposed by this Court, in case he is granted the concession of bail.

On the other hand, learned State counsel has strongly opposed the bail of the petitioner submitting that he is the main culprit and as per the case of prosecution he has inflicted injuries on the person of the deceased, which proved fatal.

This Court has given a deep thought to the rival submissions made by learned counsel for the parties but does not find it a fit case to enlarge the petitioner on bail. The petitioner accompanied by large number of other companions armed with deadly weapons inflicted number of injuries on the person of the deceased, which ultimately proved fatal. Thus, the mere fact that petitioner is in custody for a considerable period after his arrest is itself no ground to enlarge him on bail.

Accordingly, instant petition stands dismissed.

SEPTEMBER 09, 2016
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>