

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40230 of 2015 (O&M)

Date of Decision: 17.3.2016

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--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mr. Karan Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.226 dated 28.11.2013 under sections 148, 149, 302 I.P.C registered at Police Station, Sadar Yamuna Nagar.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Raj Singh Rana. Deceased is his son namely Rohit. Occurrence is stated to be of 28.11.2013 and the complainant asserted that his son was taken away from the market by the present petitioner and 17 others. Accusations are with regard to Mohit having been mercilessly beaten and as a result of which he died. Complainant had further asserted that the occurrence had been seen by his other son namely Shiv Rana, Rahul son of Shiv Charan and Rahul son of Vinod Kumar Balmiki. Motive attributed is that all the accused had a tussel going on with the deceased prior in point of time.

Petitioner was arrested on 11.12.2013. It is a case where no specific role/injury has been attributed by the complainant to any of the

accused including the present petitioner.

Curiously, Shiv Rana i.e. brother of deceased Mohit and Rahul son of Vinod Kumar Balmiki, who were stated to be eye witnesses to the alleged occurrence by the complainant, have not been cited as prosecution witnesses. The other witness i.e. Rahul son of Shiv Charan has already been examined before the Trial Court as PW-21 and even as per his deposition apart from the present petitioner being present during the course of occurrence, no specific role/injury has been attributed.

It has also gone uncontroverted that Sukhram Pal, Gola, Bunty, Monu and Gullu against whom there were similar allegations, have been granted the benefit of regular bail.

Learned State counsel has informed the Court that out of 43 prosecution witnesses having been cited, 21 have been examined till date. 22 prosecution witnesses are yet to be examined. The trial, as such, would take time to conclude.

Material witnesses i.e. complainant Raj Singh Rana as also eye witness to the occurrence Rahul son of Shiv Charan have already been examined before the Trial Court.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner as also on the ground of parity, petitioner is held entitled to the benefit of bail.

Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Yamuna Nagar at Jagadhari.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.3.2016

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