

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

**CRM-M No.15189 of 2017
Date of Decision: 24.05.2017**

**MOHAN @ MONU
Vs
STATE OF HARYANA**

**.....Petitioner
....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, D.A.G., Haryana.

Mr. Shailender Singh Momi, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail in case bearing FIR No.41 dated 17.04.2015 registered under Sections 148, 149, 323, 324, 326, 506, 212, 216, 201, 302 IPC and Section 25 of the Arms Act at Police Station Dhand, District Kaithal.

[2]. Brief facts are that the FIR was registered at the instance of complainant Anoop with the allegations that on 16.04.2015 at about 2.00 p.m. when the complainant along with son of his maternal aunt namely Sachin were going from their house on motorcycle to village Nighdu and when they reached near the house of Manish and Monu, they were found unloading

fodder from the bullock cart parked in the street. There was no way for crossing the motorcycle. The complainant asked Manish and Monu to take bullock cart aside so as to allow the motorcycle to pass through. Some altercation took place between them. Amit @ Dhakkar and Manish were also standing there. Many persons came to the spot and they were separated. The accused gave threats to the complainant. When the complainant and his cousin Sachin along with Sahil @ Kamal were going from stadium at Karnal road towards powerhouse for running, then about 6.00 p.m., Manish, Monu and Amit @ Dhakkar, who were accompanied with four other persons, came there and exhorted that the complainant and Sachin should not be left alive. Manish caught Sachin from behind and locked his arms. Amit @ Dhakkar inflicted injuries by knife to Sachin from behind on his right leg. Unknown boy caught hold the complainant and locked his arms, then Monu gave a knife blow on the left leg near hip of the complainant. Another boy gave *danda* blow from back on the shoulder of the complainant and the remaining two boys gave stick blows to Sachin. Sahil @ Kamal tried to save the complainant and kept on shouting. On hearing the shouting, many persons attracted to the spot and the assailants ran away from the spot. Sachin ultimately succumbed to the injuries.

[3]. Learned counsel for the petitioner submitted that the role attributed to the petitioner is that he allegedly inflicted a knife blow on the left leg of the complainant near his hip. No injury has been attributed to the petitioner on the person of the deceased Sachin. As many as 12 persons were involved in the occurrence. No other injury was found on the person of the Sachin except the injury attributed to Amit @ Dhakkar. As per post mortem report, the injury found on the person of the Sachin was “an incised wound 3 cm x 2 cm bone deep present over lateral aspect of right thigh in the upper 1/3rd part of thigh. On further dissection muscles, (not legible) lacerated and small vessels appear to be cut open. Blood and blood clots were present inside one wound cavity....”

[4]. Learned counsel further submitted that co-accused Randhir has been granted bail by this Court on 27.09.2016 in **CRM-M No.29824 of 2016**. Similarly Billu @ Amit and Arvind @ Tinku have also been granted bail by this Court on 30.11.2016 in **CRM-M No.37388 of 2016** and **CRM-M No.39087 of 2016** respectively. Another accused Vikas has also been granted bail by this Court on 07.03.2017 in **CRM-M No.113 of 2017**.

[5]. I have heard learned counsel for the parties.

[6]. Earlier prayer for grant of bail on behalf of the

petitioner was withdrawn on 07.03.2017 in **CRM-M No.959 of 2017** on finding that another petition arisen out of the same FIR for the grant of bail was pending with some discrepancy in the FIR number. At that stage, the aforesaid petition was withdrawn.

[7]. Petitioner is in custody since 20.04.2015. Material witnesses namely Anoop PW-3 and Sahil @ Kamal PW-4 have been examined out of the total number of witnesses which are 34 in number.

[8]. At this stage, without adverting to the merits of the case, taking into consideration the facts and circumstances of the case, I deem it appropriate to grant concession of regular bail to the petitioner.

[9]. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

May 24, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No