

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1846 of 2017

Date of Decision: 17.02.2017

Madan Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. Suinil Chaudhary, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.200 dated 27.05.2016 registered for offences punishable under Sections 147, 302 read with Section 149 of Indian Penal Code (for short 'IPC') and 25 of Arms Act, at Police Station Sadar Dadri, District Bhiwani.

Heard.

As per case of prosecution, there was exchange of hot words between the petitioner and Satya, brother of complainant over keeping his sheep and goats in middle of the passage. At this juncture, co-accused- Shyam (non-applicant) came to the spot with knife and gave two stabs at the back of Satya with knife, who was rescued by his brother Sanjay. Thereafter, Shyam and Madan Singh (petitioner) went to their home. Shyam again came towards complainant when he was having conversation with his brother and threatened to kill them all. When Sanjay, Amardeep,

Prem and Satya intervened, Shyam went to his house. Thereafter, Sanjay went to the house of Shyam and petitioner to lodge a protest. When he reached their house, Shyam gave knife blows to Sanjay. Petitioner alongwith his brother Sachin also caused injuries to Sanjay with *danda*. Sanjay fell on the ground. Amardeep, Prem, Satya and Laali went ahead to rescue him and were also caused injuries by the petitioner and his brothers. Sanjay died due to injuries suffered by him.

Learned counsel for the petitioner submits that no fatal injury has been attributed to the petitioner. He was only having a stick in his hand. Co-accused-Balwan and Rajesh have already been released on bail, who were attributed similar role. Sachin, the other accused has also been released on bail. The challan has been presented in this case, as such, custody of the petitioner is no more required.

Learned State counsel and learned counsel for the complainant submit that co-accused Sachin was allowed the benefit of bail as he was juvenile while co-accused, Balwan and Rajesh, were allowed the benefit of bail by the court as they were not named in the FIR. Challan has been presented and charge is yet to be framed. It is further submitted that statements of complainant and other material witnesses are yet to be recorded. Allowing of bail at this stage will give opportunity to the petitioner to prevail upon the prosecution witnesses.

So far as the contention of learned counsel for the petitioner that bail should be allowed to the petitioner as co-accused Balwan and Rajesh have been allowed bail is concerned, the same cannot be accepted at this stage as Balwan and Rajesh were not named in the FIR and no injury has been attributed to them as per version of occurrence in the FIR.

Admittedly, Sachin was declared juvenile and was allowed bail. In these facts and circumstances, the case of the petitioner is to be examined separately to make out as to whether he is entitled to benefit of grant of bail.

On giving a careful thought to submission of learned counsel for the petitioner, learned State counsel and learned counsel for the complainant, I do not find that the petitioner is entitled for bail at this stage, when the trial has not yet started. Charge has also not been framed so far.

Keeping in view the above facts, instant application has no merit and the same is dismissed as this stage.

February 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No