

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

CRL. MISC. No.M-29333 OF 2017
DATE OF DECISION : 21st AUGUST, 2017

Sunil & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Viraj Gandhi, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.180 dated 12.06.2016 registered under Sections 148, 149, 323, 324, 325, 302, 307 and 506 IPC at Police Station Sadar Panipat, District Panipat.

Heard learned counsel for the rival parties.

This Court has passed order dated 09.08.2017 releasing the other co-accused on bail.

Insofar as the present petitioners are concerned the evidence is as follows :

“Sunil son of Jagpal gave kicks and punches to me.

Ravit son of Ramesh gave me hockey blow. Vicky

son of Jasmat inflicted injuries to me with wooden

handle (Binda). Sheela son of Paras inflicted Gandasi blow on my right hand. Sumit son of Jagdish gave a pistol butt blow on my head. Rinku son of Rai Singh gave a iron bar blow on my both legs. Sunder son of Om Singh gave a wooden handle blow on my back. Rajesh son of Prem gave sword blows on my legs. Sanjay son of Smt. Vishni was armed with a pistol. When he tried to give me pistol blow on my head, I raised my hand and saved. Ankush son of Rajinder gave sword blow on my legs. Jagdish son of Devi Singh gave Lathies blows on my back. Tej Pal son of Nar Singh gave iron bar blows on my back. Joni son of Sahab Singh was having a spade handle and gave its blow on my back and legs. Sachin son of Rula gave a sword blow on my head. Joginder son of Sahiya Ram gave Gandasi blows on my legs. Deepak son of Suresh gave wooden handle blows on my legs, hands and back.”

Perusal of the above evidence shows that insofar as petitioner No.1-Sunil is concerned he has inflicted kick blows and punches and petitioner No.2-Rinku gave iron bar blow on both legs.

In view of the above evidence, I think, the petitioners should be entitled to grant of bail, though the main accused persons who caused death of Hari, have been attributed the main role.

However, the care will have to be taken to protect the interest of the prosecution, since the petitioners could easily tamper the prosecution witnesses.

In that view of the matter, learned counsel for the petitioners makes a statement on behalf of the petitioners that the petitioner would not enter the limits of City Panipat till the completion of the trial. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-29333 OF 2017 is allowed.
- (ii) The petitioners be released on bail to the satisfaction of the CJM/Duty Magistrate, Panipat.
- (iii) The petitioners shall not enter the limits of City Panipat till the completion of the trial, save and except the dates of attendance before the trial Court in the present case and shall not apply for modification of this condition till then.
- (iv) The petitioner shall not tamper or influence the prosecution witness(es).
- (v) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

21st AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*