

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3481 of 2018
Date of Decision-02.04.2018

Subhash ... Petitioner
Versus
State of Haryana ... Respondents

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

Present: Ms. Alisha Soni, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.164 dated 06.05.2016 registered under Sections 323, 342, 302, 34 IPC at Police Station Narnaund, District Hisar.

[2]. Police registered the aforesaid FIR on the basis of statement of Rakesh, the then injured who stated that his matrimonial case with his wife Sunita daughter of Baljeet is pending in the Court. Many a times, Panchayat was held in which some altercations took place with Jogender @ Jagmender and Rajesh. Complainant used to work as Carpenter with the petitioner. On 24.04.2016, petitioner served drinks to the complainant and thereafter, he took him to some place in the night, where Amit resident of Pundri, Joginder @ Jagmender and Rajesh were armed with iron rods. They inflicted iron rod blows on the left arm of the complainant and thereafter, all the four

inflicted injuries with lathis. Complainant became unconscious and fell down. Some passerby got him admitted in CHC Narnaund. On gaining consciousness, complainant got his statement recorded on 01.05.2016.

[3]. Learned counsel for the petitioner submitted that co-accused Amit has been granted regular bail by the High Court vide order dated 16.08.2017 passed in CRM-M No.29174 of 2017. Rajesh and Jogender @ Jagmender have been granted anticipatory bail by the High Court vide order dated 09.11.2017 passed in CRM-M No.35634 of 2017. Learned counsel further submitted that even though the regular bail of the petitioner was dismissed as withdrawn on two occasions i.e. on 22.09.2017 and 15.12.2017 in CRM-M No.34552 of 2017 and CRM-M No.44018 of 2017 respectively, yet, there is no incriminating material against the petitioner in the light of regular bail granted to Amit and anticipatory bail granted to Rajesh and Jogender @ Jagmender. The alleged complicity of the petitioner would be at par with co-accused.

[4]. The occurrence took place on 24.04.2016 and the FIR came to be registered only on 06.05.2016. The cause of death was Septicemia. No specific role has been attributed to the petitioner. Petitioner is in custody for the last about 2 years. Recovery of bamboo stick has been effected from the petitioner and so as from Rajesh and Jogender @ Jagmender. Application

under Section 319 Cr.P.C was allowed qua Rajesh. In CRM-M No.1328 of 2018 titled Rajesh and another Vs. State of Haryana and another, this Court vide order dated 16.01.2018, granted stay of further proceedings before the trial Court qua the petitioners therein.

[5]. Learned State Counsel on instructions from Investigating Officer has not denied the statement of facts made hereinabove.

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

[7]. On previous two occasions, the prayer for regular bail of the petitioner was allowed to be dismissed as withdrawn. The role attributed to the petitioner is that he made the then injured to drink and then brought him to the place where other co-accused were present duly armed with rods and lathies. All the persons inflicted injuries to the then injured. The cause of death was Septicemia. Petitioner is in custody for the last about two years. Other co-accused have already been granted regular bail and anticipatory bail. Even in CRM-M No.1328 of 2018, further proceedings before the trial Court have been stayed qua the petitioners therein.

[8]. Taking into consideration totality of facts and circumstances of the case and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner

on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

02.04.2018

Prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No