

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

**CRM-M-48949-2018**

**DATE OF DECISION:-16.11.2018**

**CHOTA SHANKAR @ SHANKAR  
AND ANR.**

**...PETITIONERS...**

**V.**

**STATE OF HARYANA**

**...RESPONDENT...**

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Ram Niwas Kush, Advocate,  
for the petitioners.

Mr. Vikramjit Singh, Addl.AG, Haryana.

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**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of bail to the petitioners in a case arising from FIR No.731 dated 04.08.2017, registered under Sections 148, 149, 302, 307, 414 IPC, Sections 25/29 of the Arms Act, 1959 and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Hisar, District Hisar.

The petitioners are facing trial in aforesaid case on the allegations that in the intervening night of 03/04.08.2017, co-accused Shankar Balmiki and Parveen Saini having pistol and kappa respectively accompanied by the petitioners and four more accomplice namely Pandit, Ramesh, Abshisek and Sagar, who were also armed with lathis, came in front of the house of deceased Sunil and Ajay and

raised lalkara to teach them a lesson for making complaint against them in the police and started quarrelling with them. Co-accused Parveen and Shankar exhorted Sachin, who is the brother of Sunil, to step behind and not to get involved himself. Immediately thereafter, co-accused Shankar started firing. As a result thereof, Sunil, his brother Sachin and complainant-Vinod received fire injuries. Co-accused Parveen Saini also gave a kappa blow on the head of Sunil. As a result thereof, Sachin and Sunil fell on the ground and succumbed to their injuries on the way or reaching to the hospital. Noticing the gathering of people, all the accused fled away.

Learned counsel contends that out of total 9 accused, 5 were arrested, 3 namely Sagar, Pandit and Ramesh were found innocent and therefore, they were placed in column No.2 of the final report under Section 173(2) Cr.P.C. Petitioners are in custody since 04.08.2017. No role is attributed to them. They are not related to any of the co-accused. They have falsely been implicated in the instant case simply on the ground that they were alleged to be present at the spot and their houses are in the same street, where the occurrence has taken place. Even, Vinod-PW1, did not attribute any role to the petitioners in court. No recovery of any weapon was effected from petitioner No.1 Chota Shankar @ Shankar whereas, only a stick was recovered from petitioner No.2 Vicky @ Bori. In post-mortem of both the deceased, only one abrasion on the toe of Sachin was found. Conclusion of trial may take sufficient long time, inasmuch as, application under Section

319 Cr.P.C. of the prosecution for summoning Sagar, Pandit and Ramesh as additional accused is still pending for 21.11.2018. There are total 25 witnesses, out of which, 1 witness has partly been examined. Therefore, no useful purpose would be served by detaining the petitioners in jail any more during trial.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners are ordered to be released on bail during pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned and an undertaking to the effect that they shall not make any effort to influence any of the prosecution witnesses.

16.11.2018

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**(RAMENDRA JAIN)**  
**JUDGE**

**whether speaking/reasoned:****Yes/No****whether reportable:****Yes/No**