

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

CRM-M-49033-2017 (O&M)

Date of Decision:-4.7.2018

Satyawan @ Banti

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davinder Singh, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Satyawar @ Banti seeks grant of regular bail in a case registered against him vide FIR No.226 dated 17.4.2016 under Sections 147, 148, 149, 342, 302, 201 and 506 of Indian Penal Code, 1860 at Police Station Sadar Bhiwani, District Bhiwani.

The allegations, in nutshell, are that on 17.4.2016 at about 9:30 a.m., the elder brother of the complainant i.e. Suresh went from home for taking photographs at Badesra. Subsequently, the complainant received a telephonic call from one Kalu, who informed the complainant that Suresh was being giving beatings near the house of Pawan by some persons. Upon receipt of said information the complainant went to the said place and saw that Pawan @ Dokhal son of Abhla, Bunti son of Puran, Hari Singh son of

Parbhathi, Ashok son of Abhla, Rajender son of Hari Singh, Zile son of Ram Sarup, Sheela son of Risal, Gocha son of Bharat, Happy son of Sheela, Sukhbir son of Jage, Maman son of Omi, Satish son of Mangal and Parmeshwar son of Prem were beating his brother Suresh with Lathis, dandas and bindas. It is specifically alleged in the FIR that while Pawan gave a danda blow on the head of Suresh, the present petitioner Banti gave a blow with stick on private parts of Suresh. On account of the injuries sustained by Suresh, he expired on the same day.

Notice of the present petition was issued to the State.

The learned State counsel has opposed the petition.

I have heard the learned counsel for the petitioner as well as the learned counsel for the State.

All the 13 accused in the present case are alleged to have been armed with sticks. It is not disputed that out of the 13 accused, 10 accused have already been granted bail. It is one Pawan and the present petitioner, who had been attributed specific injuries to the deceased. Pawan, who had been attributed injury on the head of the deceased, has already been granted bail. As far as the present petitioner is concerned, he has been attributed an injury on private parts of the deceased. However, a perusal of the post-mortem report does not reveal that the deceased had sustained any injury on any private part.

It has been informed that out of 32 prosecution witnesses, only 7 prosecution witnesses have been examined so far. The petitioner has been behind bars since the last more than 2 years. Further detention of the

petitioner would not serve any useful purpose.

Bearing in mind the aforestated facts and circumstances, the present petition is hereby accepted and the petitioner Satyawan @ Banti is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands accepted accordingly.

4.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No