

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

CRM-M-52650-2018 (O&M)

Date of decision : 6.12.2018

Balraj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K.Garg Narwana, Sr. Advocate with
Mr. Naveen Gupta, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 13 dated 15.1.2018 under Sections 148,149,342, 377, 302, 120-B of the Indian Penal Code and Section 3 of the SC/ST Act, registered at Police Station Israna, Panipat.

As per the version in the FIR lodged on the statement of Vicky, brother of the deceased Vikram, Vikram was having illicit relations with Sunita wife of Jita. On 14.1.2018 at about 10.00 P.M., brother of the complainant-Vicky had gone to purchase *Beeri* but he did not return back.

At about 5. A.M., on the next date, when the complainant was going in the street, he heard the cries of his brother Vikram from the house

of Jita. He went inside and saw that Jita and Bheera armed with iron road; Sanjay the present petitioner armed with a *belt*, Balraj, Sunil and Leela armed with *danda* were giving beatings to Vikram. Even in the presence of complainant, Vikram was given beatings and danda was inserted in his anus due to which his brother-Vikram started bleeding from anus and became unconscious. All the accused went away from the spot. The complainant called his father and got his brother admitted in hospital i.e. NC College Israna. Later on, Vikram succumbed to the injuries. In this case, present petitioner was arrested on 16.01.2018 and is in custody since then.

Learned State counsel submits that challan in this case has been presented. Complainant-Vicky who is the only eye witness has been examined by the prosecution. Petitioner is stated to be the cousin of Jita. Admittedly, as per the version in the FIR, Vikram was having illicit relations with the wife of Jita. He went to the house of Jita on the intervening night of 14/15.1.2018, apparently to meet Sunita. There, he was apparently caught and beaten up. The postmortem report shows that as many as 22 injuries which shows that he was given a sound beating. In this case, 07 persons have been named as accused including Sunita. As per the prosecution version, Vikram is the cousin of Jita.

Learned counsel for the petitioner submits that petitioner is the brother of Jita who is living at a walking distance from the house of petitioner.

Learned State counsel has admitted that petitioner is living separately from his brother Jita and his residence is at a walking distance from the house of Jita.

At this stage, it is not proper to comment on the merits of this case. The accused may have the defence to offer and it is claimed on behalf of the petitioner that he being the relation of Jita has been falsely implicated.

Considering the fact that the complainant who is the only eye witness has been examined, further detention of the petitioner will be unjustified.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

6.12.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No