

213
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 15:11
I attest to the accuracy and
authenticity of this document

CRM-M-56056-2018 (O/M)

Date of decision : 21.12.2018

Sunil

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ranvir Singh Arya, Advocate,
for petitioner.

Mr. Karanbir Singh, AAG Punjab.

-.-

-.-

KULDIP SINGH, J. (ORAL)

Heard. Present petition is filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 13, dated 15.1.2018, registered under Sections 148, 149, 323, 342, 377, 302, 307, 120-B IPC, and under Section 3 of SC/ST Act, at Police Station Israna, Panipat.

As per version in FIR, lodged on the statement of Vicky, brother of deceased Vikram.. Vikram was having illicit relations with Sunita wife of Jita. On 14.1.2018, at about 10:00 PM, brother of complainant Vicky had gone to purchase Beeri, but he did not return back.

At about 5:00 AM, on next date, when complainant was going in the street, he heard the cries of his brother Vikram from house of Jita. He went inside and saw that Jita and Bheera armed with iron rod; Sunil (present petitioner) armed with danda, Sanjay armed with a belt, Balraj 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 accused went away from spot. Complainant called his father and got his brother admitted in hospital i.e. N.C. College, Israna. Later on, Vikram succumbed to injuries. In this case, present petitioner was arrested on 15.1.2018 and is in custody since then.

The learned State counsel submits that challan in this case has been presented. Complainant Vicky who is only eye witness has been examined by prosecution. Petitioner is stated to be the nephew of Jita and is living separately. This fact has not been disputed by learned State

counsel. Admittedly, as per version in FIR, Vikram was having illioit relations with Sunita, wife of Jita. He went to 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 post mortem report shows that as many as 22 injuries which shows that he was given a sound beating. In this case, 7 persons have been named as accused including Sunita. As per prosecution version, Sunil is cousin of Jita.

The learned counsel for petitioner contends that petitioner came to spot after occurrence and has been falsely implicated.

In this case, complainant, who is only eye witness, has been examined. Therefore, further detention of petitioner is unjustified.

Petition is thus allowed and he (petitioner) is ordered to be released on regular bail on his furnishing personal bond in the sum of Rs. 1,00,000/- with one surety of like amount to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned, subject to following conditions :-

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

(KULDIP SINGH)
JUDGE

21.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No