

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

CRM-M-54822-2018
Date of decision: 17.12.2018

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sachin Gupta Ladwa, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 320 dated 27.04.2018, registered under Sections 148, 149 and 302 of the IPC at Police Station City Civil Lines, Karnal.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and as per the allegations in the FIR, which was registered on the statement of Chandni w/o Govind Sahni, in the first incident which occurred during a marriage ceremony, co-accused Vicky and Parveen, under the influence of liquor, had started quarreling with one Pankaj and deceased Govind Sahni rescued him. Thereafter, the aforesaid two persons caught hold of deceased Govind Singh and gave him beatings and when other persons asked Vicky, Parveen and his companions to leave the place of marriage, Vicky got enraged and called his companions by giving threat to Govind Sahni.

Learned counsel for the petitioner further submits that as per

the allegations in the FIR, thereafter, Govind Sahni went to his house and one Parvej @ Chhotu came to his house and asked Govind Sahni to accompany the *Barat*. On his asking, Govind Sahni went out of his house and in the morning, the complainant came to know that her husband has died on account of sustaining injuries with the knife. It is further stated that Parvej @ Chhotu informed her that Vicky and his brother Parveen along with 4/5 boys have caused injuries to Govind Sahni in Sector 6, Karnal and killed him.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 05.08.2018 and the main accused Vicky has already been granted concession of default bail under Section 176(2) Cr.P.C. and the challan has been presented against the petitioner and he is not required for any further investigation.

Learned counsel for the petitioner further submitted that even aforesaid Parvej @ Chhhotu is not an eye-witness to the incident where the co-accused Vicky and Parveen caused knife injuries to deceased Govind Sahni and has relied upon his statement, recorded under Section 161 Cr.P.C., to submit that he has only stated that Vicky and Parveen along with 4/5 persons caused death of Govind Sahni.

Learned State counsel, on instructions from SI Ram Aasre, has relied upon the statement of petitioner Sachin wherein he has stated that he, along with Parveen and Raju had stopped the motorcycle of Govind Sahni and thereafter, Vicky, Parveen, Raju and the petitioner gave fist blows to Govind Sahni and when he fell down, Vicky caused multiple knife injuries to Govind Sahni and thereafter, they left the place of occurrence.

In reply, learned counsel for the petitioner has submitted that

except the disclosure statement of the petitioner, there is no direct allegation against the petitioner and it is to be decided during the course of trial whether the same is admissible against the petitioner.

Learned counsel for the petitioner further submitted that petitioner is involved in the present FIR by invoking the offence under Section 149 IPC only.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 17, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No