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

CRM-M-9543-2019

Date of decision-27.03.2019

Deep Chand @ Pardeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surender Lamba, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Gopal Dass.

Mr. Raman Chawla, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Deep Chand @ Pardeep has prayed for grant of regular bail in case FIR No.81 dated 12.05.2017 under Sections 147, 148, 302, 323, 325, 379(B), 120-B and 212 read with Section 149 of Indian Penal Code registered at Police Station Siwani, District Bhiwani. The petitioner is in custody since his arrest on 19.05.2017.

The FIR was recorded on the statement of complainant, namely, Gulbir wherein it was alleged that on 11.05.2017, the complainant was present in the hotel of his brother, namely, Satbir and his partner-Mangal Singh was also present. After meals they had gone for sleep. According to the complainant, Satbir and Mangal Singh were sitting inside the hotel whereas Satpal and complainant went for sleep on the roof of the hotel.

Around 02.00 a.m. a noise was heard and it was found that Vikas and Vikram (both sons of Satbir) having danda and iron pipes along with other 10-12 boys were standing. It is narrated that they were causing injuries to the brother of the complainant. According to the complainant, Vikram had caused injuries with iron pipes on the head of Satbir and Vikas caused injuries with a danda. After this, when the noise was raised, all the assailants ran away after snatching the chain, cash, key of Bolero vehicle and mobile.

Learned counsel for the petitioner contends that as per the allegations in the FIR, the injuries had been attributed to accused-Vikram, Vikas and Satbir son of Om Parkash. According to him, petitioner is not named in the FIR. It is submitted that challan stands filed and charges were framed on 05.12.2018. Trial is yet to commence as no witness so far has been examined. Attention of the Court is drawn to the order dated 09.10.2018 when the previous bail application by petitioner was withdrawn and this Court afforded four months time to the prosecution to conclude the evidence, however, no witness has been examined despite issuance of warrants by the Court against the witnesses.

On the other hand, learned State counsel assisted by ASI Gopal Dass and learned counsel for the complainant opposed the bail application on the ground that the petitioner participated in the occurrence. According to him, he was member of unlawful assembly who in furtherance of their common object committed the alleged crime. It is not disputed that deceased-Satbir suffered five injuries and died of the head injury, which is attributed to Vikram. The other injuries are on the non-vital part of his

person.

Considering the above background; stage of the trial and custody period of the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Bhiwani.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.03.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No