

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

**CRM-M No. 13850 of 2019 (O & M)
Date of Decision:-17.05.2019**

Sandeep and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rajesh Bansal, Advocate
for the applicants-petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

CRM No.15297 of 2019

For the reasons mentioned in the application, same is allowed and the statements of witnesses PW-1 to PW-6 are taken on record as Annexures P-3 to P-8.

CRM-M-13850-2019

Petitioners Sandeep and Sompal @ Sonu have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.134 dated 08.7.2018, under Sections 148, 149, 323, 341, 379-B, 452 and 506 IPC (Sections 307 and 302 IPC added later on), registered at Police Station Sanoli, District Panipat. The petitioners are in custody since

their arrest in July 2018.

The FIR was registered on the statement of complainant Satbir @ Pappi wherein it was alleged that his nephew Manoj went away on motor-cycle for filling up petrol and on the way he was stopped by Mukesh and his friends, who started beating him. Upon return, Manoj narrated the entire incident. After some time, at about 6 p.m. Mukesh alongwith his accomplice including the petitioners, armed with lathi-dandas, bricks, axe, spade, iron rod and gandasi, came and entered the house of complainant and attacked all persons including the complainant. Mukesh, armed with gandasi in his hand inflicted blow on the head of Manoj and Amit, who was having axe in his hand, gave blow on the head of Gaurav. Pawan was having spade in his hand, gave blow on the head of Manoj and Vijay inflicted injuries to complainant and others by iron rod having in his hand. Rest of the accused persons having bricks and dandas also inflicted injuries to complainant and others. Accused Viji and Pawan snatched gold chain from the complainant. Manoj suffered one head injury and due to that he died on 16.7.2018, whereupon offence under Section 302 IPC was added. Previously Section 307 IPC was added for the same injury.

Learned counsel for the petitioners contends that the petitioners have not caused any injury much less to the deceased. They have only been named as companions of the main accused, namely, Mukesh. It is further pointed out that before this occurrence, Manoj had altercation with Mukesh and his friends, wherein the petitioners were not named. Learned counsel for the petitioners further contends that the prosecution has examined the

material witnesses and further custody of the petitioners may not be justified.

On the other hand, the prayer for grant of bail is opposed by learned State counsel, who is assisted by ASI Shri Bhagwan on the ground that the offence is serious in nature. However, it is not disputed by him that all the injured including the complainant have been examined by the prosecution and in all seven witnesses have been examined so far out of total 17 witnesses. Rest of the witnesses are formal and police official.

At this stage, learned counsel for the petitioners contends that since rest of the witnesses are police official, there is no possibility of their being won over.

Considering the background and the fact that the trial is likely to take some considerable time in conclusion, therefore, without meaning any expression of opinion on the merits of the case it is ordered that the petitioners be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Panipat.

The petition is allowed.

May 17, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No