

IN THE HIGH COURT OF PUNJAB AND HARYANA,  
AT CHANDIGARH

214

**CRM-M-15405-2019**

Decided on : 29.04.2019

*Surender Bhakhar**... Petitioner**Versus**State of Haryana**.. Respondents***CORAM : HON'BLE MR.JUSTICE MANOJ BAJAJ**Present : Mr.Sunil Chaudhary, Advocate  
for the petitioner.

Mr.Sukhdeep Singh Parmar, DAG, Haryana.

Mr.Raman Chawla, Advocate for the complainant.

**Manoj Bajaj, J. (Oral)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.81 dated 12.5.2017 (Annexure P-1) under Sections 147, 148, 149, 302, 323, 325, 379(B), 120-B, 212 IPC, 1860 registered at Police Station Siwani, District Bhiwani.

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 27.03.2019 whereby application by co-accused Deep Chand was allowed. It is contended that the case of the applicant is on the similar footings.

On the other hand, learned State counsel and learned counsel for the complainant opposed the bail application on the ground that the petitioner participated in the occurrence. According to them, 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.

Learned counsels appearing on behalf of State as well as complainant do not dispute the fact that the case of the petitioner is similar to that of Deep Chand @ Pardeep who has been released on bail by this Court in CRM-M-9543 of 2019 on 27.03.2019. The petitioner is

in custody since his arrest on 21.06.2017.

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

29.04.2019

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |