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

**CRM-M-20005-2019
Date of decision-28.05.2019**

Vishal

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jitender Dhanda, 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-Vishal has prayed for grant of regular bail in case FIR No.81 dated 12.05.2017 under Sections 302, 323, 147, 148, 379-B, 120-B, 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 25.07.2018.

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 and the petitioner has been implicated in the present case on the disclosure statement of Vikas. Learned counsel further relied upon order dated 27.03.2019 whereby co-accused, namely, Deep Chand has already been granted concession of regular bail by this Court.

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. Further it is apprised that trial is yet to commence as no witness so far has been examined.

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-9543-2019 on 27.03.2019.

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

28.05.2019
vanita

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