

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

**CRM-M No. 28172 of 2019
Date of Decision:-11.07.2019**

Vikash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- None for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by ASI Ramesh Kumar.

MANOJ BAJAJ J.(Oral)

Petitioner Vikash has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.92 dated 16.4.2018, under Section 302 read with Section 34 IPC, registered at Police Station Bhattu Kalan, District Fatehabad. The petitioner is in custody since his date of arrest on 28.6.2019.

The FIR was registered on the basis of statement given by Dalip Singh s/o Gopi Ram, wherein it was alleged that on 15.4.2018 at about 10/10.30 PM he received a telephonic information whereby Hanuman alias Bhani has told to Vikas and nephew of complainant, namely, Nathu Ram, that he had broken the legs of Baljeet Singh (son of complainant) and

he was lying on the road between Chhoti Dhaba to Badi Dhaba. Thereafter, Vikas informed the incident to the complainant. Later on the complainant went to Rakesh Kumar Sarpanch, who informed that a telephonic message was received by him from Dhaba Kalan that a dead body was seen lying on the road near the wheat field of Panna Lal Beniwal. The complainant alongwith others reached at the spot and found his son Baljeet Singh lying with broken legs. According to complainant his son had been killed by Hanuman @ Bhani by giving injuries alongwith other persons as he was nursing a grudge for an altercation with his son, which took place 4-5 days before.

A perusal of the petition and deposition of Dalip Singh (complainant) before the Court reveals that the information regarding the incident was given to him by Vikas s/o Amin Khan. It was stated by him that on 28.4.2018 he had handed over a compact disk (CD), (Annexure P-8) to the police wherein accused Hanuman @ Bhani and Sanjay Singh @ Sanju were seen inflicting injuries upon Baljeet Singh, which was taken into police possession vide recovery memo Ex.P-9. According to the petitioner the complainant got recorded supplementary statement to implicate him. As per FIR, motive was attributed to Hanuman @ Bhani.

On the other hand, learned State counsel, who is assisted by ASI Ramesh Kumar opposed the bail on the ground that the offence is serious and complainant has testified against him. However, it is not disputed that the injuries were attributed only to co-accused namely Hanuman @ Bhani and Sanjay Singh @ Sanju. To a pointed query it is

apprised by learned State counsel that only five prosecution witnesses have been examined in this case out of total 27. He has further submitted that at present there is no progress in the case as an application under Section 319 Cr.P.C. stands filed by the complainant on 20.1.2019 and the same is pending adjudication before the trial Court.

Considering the above and custody of the petitioner, this Court finds that the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 11, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No