

225
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.12.20 19:15
I attest to the accuracy and
authenticity of this document

CRM-M-37408-2019
Date of decision : 20.12.2019

Rajesh alias Raja

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Rajesh Bansal, Advocate
for petitioner.

Mr. R.K. Singla, AAG Haryana.

-.-

-.-

HARINDER SINGH SIDHU, J.

This is a petition filed for grant of bail in case FIR No. 28, dated 4.2.2018, registered under Sections 302, 34 IPC at P.S. Madlauda, District Panipat.

The FIR was lodged on the statement of Sonu stating that about 3.00 PM, they received information that his brother Humraj was lying in Kutiya at Adiana Road in injured condition. On receiving information, he alongwith his mother reached Kutiya at Adiana Road and found that his brother was lying inside the room in injured condition. The blood was oozing out from his head. There were injury marks present on other parts of body. Humraj was taken to a private vehicle for treatment in Government Hospital, Panipat, from where he was referred to PGI Khanpur. It is alleged that on the way to hospital, deceased named Kala, Anil, Sonu, Bhagta, Shilu Khati, Rinku, Hari Om as responsible for causing injuries. He thereafter died on the way. The complainant alleged that persons named by deceased had caused his death.

The learned counsel for petitioner states that complainant in his evidence while deposing before the Court as PW5 has also not named the petitioner. As per PW5, deceased who was working as a transporter had some dispute with regard to money transaction with Rajmal alias Kala. Hemraj demanded money from Rajmal, but he did not return the same.

Instead, he was threatened by Rajmal Bagta, Kala, Bangar Mistri and Kuldeep Baman (Pandit). Name of petitioner surfaced in the disclosure statement of Rajmal alias Kala that while he alongwith his co accused was inflicting injuries, petitioner was standing outside on motorcycle to caution to assailants if any person came there.

Petitioner is in custody since 6.2.2018. Out of 25 witnesses, only 5 including complainant have been examined. The trial of the case may take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of present case; without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, if petitioner indulges in any activity of similar nature, while on bail, prosecution agency will be at liberty to seek cancellation of order granting bail to petitioner.

(HARINDER SINGH SIDHU)
JUDGE

20.12.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No