

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1608-2020 (O&M)
Date of Decision:- 21.1.2020

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nirmal Singh, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by SI Rajinder Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Deepak has approached this Court seeking grant of regular bail in a case registered vide FIR No.56, dated 24.1.2019, registered at Police Station Thanesar City, District Kurukshetra, under Section 302/34 IPC, Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.
2. The FIR was registered at the instance of Jasbir Singh wherein it has been alleged that on 23.1.2019 when he reached back home from his shop, then Ravi came to his house and informed him that Rahul was

beating up complainant's brother namely Dhammu and had thrown him on the main road. Upon receipt of the said information the complainant along with his nephew Suraj and Jitender reached at the spot and saw his brother Dharambir @ Dhammu lying on the road who was badly injured. It is further alleged therein that Rahul was also present there who was carrying an iron 'tawa' (griddle), used for baking "*chapatis*" and upon seeing the complainant, he fled away from the spot along with his iron 'tawa'. It is further the case of the prosecution that although Dharambir @ Dhammu was taken to hospital but he could not survive and succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and that the only person named therein is Rahul who was seen at the spot and is alleged to have caused injuries to the deceased.
4. The learned State counsel while opposing the petition has submitted that in fact the complainant has subsequently made a supplementary statement wherein he categorically stated that upon inquiries made by him, he came to know that apart from the accused Rahul, the petitioner, Sunil and Kishan were also present at the spot and had also caused injuries to the deceased and that the petitioner had caused injuries with a stick to the deceased. Learned State counsel has however, informed that the petitioner has been behind bars since the last about one year and that till date only 5 out of the cited 29 PWs have been examined.
5. Having regard to the facts and circumstances of the case and especially bearing in mind that the petitioner is nowhere named in the

FIR and is sought to be nominated as an accused on the basis of supplementary statement of the complainant and also that the petitioner has been behind bars since the last about one year and conclusion of trial is likely to take some time as only 5 out of cited 29 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Deepak is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

January 21, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No