

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

CRM-M-8517-2020 (O&M)

Date of Decision:- 3.3.2020

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.339, dated 23.6.2018, under Sections 148, 149, 302, 323 IPC, Police Station Jind City, District Jind.
2. The FIR was registered at the instance of Ramjit wherein it has been alleged that they are three brothers and he is the eldest while Satyawar is younger to him and Sompal is the youngest. It is alleged that on 22.6.2018 when he was strolling near the railway crossing

Julani after taking dinner, and was speaking over phone to his wife who was away to her parental home, then in the meanwhile Satish came there who was in an inebriated condition and threatened him that Satyawar i.e. younger brother of the complainant by solemnizing love marriage in their community had not done an appropriate thing and that he would have to face the consequences. A verbal confrontation is stated to have taken place amongst them but subsequently the complainant went back home. It is alleged that the moment the complainant reached back home then Amit and Ashok carrying sticks, Satish and Deepak carrying sticks, wives of Amit, Satish and Ashok carrying bricks in their hands came there while raising *lalkaras* to teach them a lesson for having married in their *biradri*. It is alleged that Amit gave a blow with 'gandasi' to complainant's brother Sompal on his head. Ashok is alleged to have given a blow with 'gandasi' on the right ear of Sompal. The petitioner is stated to have attacked Sompal with a 'stick'. Satish is also stated to have given a blow with stick on the right ear of Sompal. When the complainant, his brother Satyawar and his wife Neelam tried to rescue Sompal, the aforesaid accused Deepak, Satish, Amit, Ashok along with wife of Amit, Satish and Ashok attacked them and during the said scuffle the complainant's brother's wife also sustained injuries. However, when people started converging to the spot, the accused ran away from the spot along with their weapons.

3. Learned counsel for the petitioner has submitted that even if the allegations as per the FIR are taken to be correct, still the petitioner is

stated to be armed with 'stick' only and no specific injury is attributed to him. It has further been submitted that the fatal blow on the head i.e. an incised wound on the head of the deceased Sompal is attributed to Amit and Ashok who were stated to have been carrying '*gandasis*'.

4. Learned counsel for the petitioner has further submitted that the material witnesses i.e. the complainant Ramjit and his sister-in-law Neelam have already been examined and even they have not attributed any specific injury to the petitioner who in any case was armed with a 'stick'.
5. Opposing the petition learned State counsel has submitted that since the petitioner is specifically named in the FIR and he shared a common intention with the co-accused to kill Sompal, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since the last about 1 year and 8 months and till date only 9 out of the cited 22 PWs have been examined.
6. Having considered rival submissions addressed before this Court and while bearing in mind the role attributed to the petitioner who is stated to be armed with a 'stick' and while also noticing the incarceration of the petitioner which is more than 1 year and 8 months and that the conclusion of trial is likely to take some more time and only 9 out of the cited 22 PWs have been examined, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner 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.

March 3, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No