

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9450-2020 (O&M)
Date of decision: 06.03.2020

Anil @ Rocky

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.418 dated 28.06.2018 under Sections 148, 149, 323, 324, 325, 427, 452, 307, 506, 201 IPC, registered at Police Station Gharaunda, Karnal.

Learned counsel for the petitioner relies upon the order dated 11.02.2020 passed in CRM-M-33492-2019, CRM-M-31541-2019 and CRM-M-32347-2019, vide which three co-accused of the petitioner, namely Ramesh, Rampal and Anil @ Monti have been granted the concession of regular bail. The operative part of the order reads as under: -

“...Counsel for the petitioners argued that as per the allegations in the FIR, registered at the instance of Jitender, the petitioner Ramesh son of Geja Singh has given lathi blow on the right

shoulder and the other co-accused gave him kick blows. Thereafter, his uncle Sultan Singh rushed to rescue him then, the co-accused Balinder gave a gandasi blow on the left side of his head and he ran away towards the house of Charan Singh and while following him, Monti, Rakesh, Tejpal and Sonu caught hold of Sultan Singh and rest of them caused injuries to Sultan Singh. Thereafter, Jangu and Ramesh also caused injuries to his father Bhim Singh and Kala and Vikas caused injuries to Nasib Singh. It is further submitted that the injury invoking Section 307 IPC which was suffered by Sultan Singh, is attributed to Balinder, who is in custody. The accused Ramesh is in custody since 15.08.2018; the accused Rampal is in custody since 30.11.2018 and the accused Anil @ Monti is in custody since 08.01.2019.

Counsel for the petitioners has further argued that charges have been framed before the trial Court only today and the petitioners are in long custody and the trial is yet to start as the case is now fixed for prosecution evidence for the first time.

Counsel for the State, on instructions from ASI Bahadur Singh, and assisted by counsel for the complainant has not disputed the factual position that Balinder is attributed the injury on the head of injured Sultan Singh.

Without commenting anything on merits of the case, considering the fact that some of the co-accused of the petitioners namely Phool Singh, Devender @ Sonu, Ravinder @ Sonu and Vikas have already been granted the concession of bail by this

Court vide CRM-M No.19080 of 2019, CRM-M No.44649 of 2018, CRM-M No.26788 of 2019 and CRM-M No.27005 of 2019; the petitioners are in long custody is in custody; charges have been framed; the prosecution evidence is yet to start and conclusion of the trial will take some time, these petitions are allowed and the petitioners namely Ramesh, Rampal and Anil @ Monti are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate....”

Learned counsel for the petitioner submits that the petitioner is attributed a sword injury to Jitender, one of the victim, which is on non-vital part. It is further submitted that the petitioner is in custody for the last 01 year, 07 months and 12 days and till date, not even a single witness is examined by the prosecution.

Learned State counsel has filed the custody certificate dated 06.03.2020 in the Court today and has not disputed the custody period undergone by the petitioner, however, on instructions from ASI Bahadur Singh, has submitted that there are four victims in this case and the injury invoking Section 307 IPC, sustained by Sultan, is attributed to co-accused Balwinder. It is also not disputed that till date, no prosecution witness is examined and reason for the delay is explained, as four supplementary challans were presented against total 11 accused.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 25.07.2018; he is not involved in any other case and since till date, no prosecution witness is examined,

conclusion of the trial will take some time and also in view of the fact that his aforesaid co-accused have already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.03.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No