

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

**CRM-M-14266-2020 (O&M)
Date of Decision:13.08.2020**

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S. Sahu, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.634 dated 17.12.2019 under Sections 307, 325 and 34 IPC registered at police station Barwala, Tehsil and District Hisar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Jai Bhagwan in relation to an alleged occurrence that took place on 16.12.2019. Complainant alleges that while he was sleeping alongwith his family members at about 12.30 AM, he noticed that certain bricks were being thrown at the house. Accordingly, complainant and his father Karamveer came outside the house and noticed that four persons were standing there i.e. Ajay (present petitioner), Sanjay, Dhana and Rajesh. Even a white

colour Xylo vehicle was seen standing. All the accused persons are alleged to have pelted bricks towards the complainant and his father. Thereafter the present petitioner is alleged to have suddenly sat in the Xylo vehicle and drove the vehicle over Karamveer. Thereafter with an intent to kill, petitioner is alleged to have reversed the vehicle and again drove the same over Karamveer. Motive attributed is, one year prior to the occurrence, petitioner had enticed away sister of the complainant and accordingly he now wants to kill the complainant as also the father.

Counsel would submit that the prosecution version is highly improbable. A dent already stands created inasmuch as the co-accused Sanjay, Dhana and Rajesh have been found to be innocent during the course of investigation.

Counsel has also adverted to the MLR of Karamveer and who was alleged to have been run over by petitioner in a Xylo vehicle/Car, twice over and the injuries noticed in the MLR, counsel submits do not corroborate the incident.

Counsel submits that it was a love marriage between the petitioner and sister of the complainant and which was opposed by the immediate relations of the wife and it is on such count that the present petitioner is sought to be implicated.

In the light of the submission advanced by counsel for the petitioner, the offence under Section 307 IPC whether made out would be a moot issue to be dealt with by the Trial Court on the basis of evidence to be adduced.

Challan in the present case already stands presented.

Petitioner has faced incarceration since 22.12.2019. Trial would take time to conclude and particularly keeping in view the current Covid-19 situation.

Without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Hisar.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 13, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No