

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.14444 of 2020 (O&M)

Date of decision:09.06.2020

Mohan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Sandhu, Advocate
for the petitioner.

SUVIR SEHGAL J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

The present petition under Section 438 Cr.P.C. has been filed seeking grant of anticipatory bail to the petitioner in the event of his arrest in FIR No.99 dated 26.04.2020 under Sections 302, 323 and 34 IPC registered at Police Station Nissing, District Karnal.

Vijay Kumar, son of Jaibir gave a statement that he is working as a truck driver. He has two siblings. Ramnath is elder to him. His uncle Balbir Singh has two sons, namely Kuldeep who is elder, and Sonu, aged 23 years who is younger. As per his allegations, on 19.04.2020 at about 11.00 a.m, Randeep son of Samay Singh, took Sonu from his house, but thereafter, Sonu did not return. The parents of Sonu kept waiting for him and the next morning at about 8.00 a.m, they came to know that Sonu is lying unconscious on the bank of Nadrak Canal. On getting this information,

Kuldeep, elder brother of Sonu, reached the spot and brought Sonu in his car to Civil Hospital, Nissing, for treatment, but due to multiple injuries, Sonu was referred to PGI, Rohtak from Karnal where he died. It was alleged that Randeep, his brother Pammi and two other persons had caused injuries to Sonu on account of some quarrel which had taken place 10 days earlier, due to which Sonu had died. On the basis of the statement, the above mentioned FIR was registered against the petitioner.

Counsel for the petitioner submits that there was a delay in the registration of the FIR. He further submits that the petitioner was not named in the FIR and he has been involved on the basis of disclosure statement of Randeep which is not admissible in evidence.

Notice of motion.

On asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana, who is available on conference call, accepts notice on behalf of the respondent. A copy of the petition has already been supplied to him.

On instructions from SI Ramphal, he submits that during investigation, it has transpired that the petitioner as well as Randeep had caused injuries to the deceased Sonu. As a result of which, he expired. Both Randeep and the petitioner were truck drivers. An altercation had taken place between the deceased and Randeep a few days earlier. They had allegedly consumed liquor and thereafter, a fight had taken place between them. While petitioner had sat on the chest of the deceased, other accused had caused injuries on him.

I have considered the rival submissions of the parties.

There is no dispute about the fact that death of Sonu had taken place due to the injuries inflicted upon him. It is also apparent from perusal of the FIR that Randeep had taken Sonu alongwith him from his house on 19.04.2020. Thereafter, as has come out in the disclosure statement of Randeep, both of them alongwith the petitioner had consumed liquor and a fight had taken place between them. The petitioner is alleged to have pinned down the deceased and Randeep is alleged to have caused injuries upon him.

The petitioner is allegedly instrumental in death of an un-armed person. Delay in lodging of the FIR was, therefore, inconsequential. The interrogation of the petitioner is necessary to determine his exact role in the incident. Concession of anticipatory bail cannot be granted to him and the petition is, accordingly, dismissed.

It is clarified that the observation made herein above shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

June 09, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No