

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

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IN VIRTUAL COURT

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**CRM-M No. 15207 of 2020
Date of decision : 1.7.2020**

Lalit Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. H.S. Deol, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This second petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 471 dated 21.9.2018, registered under Sections 148, 149, 323, 325, 307/506 IPC (Section 302 IPC added later on), at Police Station Model Town, District Rewari.

The allegations against the petitioner in brief are that deceased Prajjawal was taking coaching at Chanakya Academy, Maharana Partap Chowk, Rewari. On 21.9.2018, when the complainant and the above said Prajjawal were going to the Academy, they were attacked by Nikhil, Ankit and four-five other boys, who were having baseball bats and spade handles. The present petitioner, who is alleged to be studying in KLP College, Rewari, was having a spade handle and he was one of the persons, who attacked the deceased Prajjawal. Prajjawal succumbed to the injuries caused by the present petitioner and his other accomplices. Accordingly, though initially, case was

registered under Sections 325/307 IPC, however, subsequently, the case was converted into an offence under Section 302 IPC.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

While arguing the case, learned counsel for the petitioner has submitted that no specific role has been attributed to the petitioner. The deceased is alleged to have died due to head injury. However, it has not been specified as to who had caused the fatal injury. Still further, it is submitted that only one witness has been examined and the petitioner is in custody since 22.9.2018. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Learned State counsel, on instructions from SI Vinod Kumar, submits that the petitioner is specifically named in the FIR as one of the assailants. Wooden rod (danda) has been recovered from the petitioner. Therefore, the complicity of the petitioner has been duly established qua the crime. So far as the delay in examining the witnesses is concerned, it is submitted that there are several accused in this case. The investigation against some of the accused was completed at a later stage. Hence, the evidence was started after a delay. However, now prosecution would make sincere efforts to complete the evidence of the prosecution.

Having heard learned counsel for the parties, this Court finds that there are specific allegations against the petitioner. Prajjawal lost his life due to the injuries suffered in the incident, in which the petitioner is alleged to have

participated and caused injuries to the deceased. The fact as to what is the exact contribution of the petitioner in causing death of the deceased, is a matter of evidence, which shall be deciphered on the basis of the evidence led during the trial. At this stage, the petitioner cannot draw any benefit from the fact that specific injuries have not been attributed to any accused. In any case, the death of deceased is alleged to be the result of cumulative acts of the accused, named in the FIR.

In view of the above, this Court does not find any ground to grant bail to the petitioner.

Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

1.7.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No