

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

1. CRM-M-15737-2020 (O&M)
Date of decision : 07.08.2020

Sumit @ Sangad

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-17236-2020 (O&M)
Date of decision : 07.08.2020

Devdatt

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate for the petitioner
(In CRM-M-15737-2020)

Mr. Kunwar Rajan, Advocate for the petitioner
(In CRM-M-17236-2020)

Mr. Chetan Sharma, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-15737-2020

filed by Sumit @ Sangad and CRM-M-17236-2020 filed by Devdatt, for grant of bail pending trial in a criminal case arising from FIR No.225 dated 15.06.2019 registered under Sections 148, 149, 323, 452, 302, 506, 201 of IPC and Section 25 of the Arms Act, 1959 (Section 201 of IPC and Section 25 of the Arms Act added later on during investigation), at Police Station Beri, District Jhajjar, shall stand disposed of.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jhajjar in para 2, which is extracted as under:-

“2. The prosecution case in nutshell is that complainant Jaibir @ Monty informed the police that on 14.06.2019, at about 8:30 p.m., he was present at his house along with his family when Bhim Singh, Devdutt, Dev Parkash, Rohit, Rahul, Jagbir son of Ram Kumar, Sandeep, Jhaggar, Sonu and 2-3 unidentified persons entered in his house. Devdutt, Dev Parkash, Bhim and Rahul were carrying knife in their hand and the remaining were having lathi, danda and iron rod in their hand. The accused Jagbir caught hold his brother Jalbir and thereafter Devdutt, Dev Parkash, Bhim and Rahul inflicted knife blows to Jalbir. When he, his sister Ram Kala and his brother Jagbir tried to save Jalbir, then Vinay, Joker and Sandeep gave them lathi, danda and iron rod blow. When they raised hue and cry, Devdutt, Dev Parkash and all above mentioned accused persons fled away from the spot and while retreating, they threatened the complainant party with dire consequences. His brother Jalbir was shifted to hospital where he was declared brought dead. On his

*application formal FIR under Sections 148/149/
323/452/302/506 IPC was registered in the PS Beri.”*

Learned counsel for the petitioner contends that the petitioner is not alleged to have attributed any specific injury to the deceased. He has further drawn attention of the Court to the Post Mortem Report of the deceased wherein 15 injuries are noted, out of which 13 are incised wounds whereas injury No.14 is a circular bite mark and injury No.15 is abrasion on the right knee joint.

He further contends that the petitioner namely Sumit @ Sangad is in custody since 22.06.2019. On conclusion of the investigation, the Police Report under Section 173 Cr.P.C. has been filed.

With respect to the petitioner namely Devdatt, it has been submitted that he is in custody since 16.06.2019. Although the petitioner-Devdatt is alleged to be armed with knife, however, no knife has been recovered by the Investigating Agency.

On the other hand, learned counsel for the State, has opposed the prayer by submitting that both the petitioners are involved in a heinous crime.

After having heard the learned counsel for the parties, this Court is of the view that the conclusion of the trial is likely to take time. Investigation is already complete. The petitioners have already suffered incarceration for a period of 1 year and 2 months approximately. They are not stated to be having any criminal antecedents.

Without commenting on the merits of the case and keeping in

view the aforesaid facts, both the petitioners are directed to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, both the petitions are allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

07.08.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No