

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-17959-2020(O&M)

Date of decision : 24.07.2020

SACHIN AND ANOTHER

.....Petitioners

versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepanshu Matya, Advocate,
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana

Mr. Satyawar Nain, Advocate,
for the complainant.

ANIL KSHETARPAL, J. (ORAL)

The petitioners pray for grant of regular bail pending trial in a criminal case arising from FIR No.140, dated 27.02.2020, registered under Section 302 and 34 IPC, at Police Station Assandh, District Karnal.

In brief, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Karnal, in paragraph 3, which is extracted as under:-

“3. In brief, the allegations against the applicant-accused as per police reply are that on 27.02.2020 an information was received that Anil son of Rajpal has been brought dead in General Hospital, Assandh. Upon this, SI Surajbhan along with other police officials reached General Hospital, Assandh where Sunil Kumar complainant met SI Surajbhan and got recorded his statement to the effect that on 26.02.2020 it was marriage of his uncle Deepak and there was programme of DJ in the evening. At the programme, there was an altercation between his younger brother Anil on the one hand and Anil @ Budhi and Sachin on the other. He intervened and managed to save his brother. Meanwhile, Sachin went away and after sometime, he returned on a motorcycle. Anil @ Budhi brought his brother Anil

outside in the street where he caught hold of him whereas Sachin got down from the motorcycle and inflicted knife blows upon his brother and then ran away from the spot. At that time, 2-3 other persons were also with them. His brother raised noise and fell down on the street. He and his uncle Roshan Lal picked up his brother and brought him to Government Hospital, Assandh for treatment where he was declared brought dead. A prayer was made to take necessary action against the culprits. On the basis of said statement, the present FIR was got registered under Section 302, 34 IPC. Police commenced the investigation. Statements of witnesses were recorded. Applicants-accused were arrested on 28.02.2020. They suffered disclosure statements on the basis of which recovery of knife used in the occurrence purports to have been effected at the instance of applicant-accused Sachin.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated as there was previous enmity between the two families. He further submitted that there is no evidence of altercation at the marriage function as no video recording thereof has been produced with the challan. He further submitted that petitioner no.1 is only 18 years old and has been falsely implicated.

On the other hand, learned State counsel has submitted that the offence under Section 302 IPC was the direct result of altercation at the marriage function. Petitioner no.1 went away from the function and thereafter returned armed and petitioner no.2 ensured that the deceased is taken to the place of occurrence. He further submits that the knife has been recovered on the disclosure statement of petitioner no.1.

Keeping in view the aforesaid facts and without going into the merits of the case, this court is of the considered opinion that petitioner no.1 appears to be the main accused. There is no *prima-facie* evidence of

previous enmity.

Keeping in view the aforesaid facts, this court is not inclined to grant the concession of bail to the petitioners.

Dismissed.

July 24, 2020

(ANIL KSHETARPAL)
JUDGE

nt

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No