

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

**CRM-M No.18400 of 2019 (O&M)
Decided on: 03.02.2020**

Sujit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.D.S. Hooda, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.275 dated 10.06.2017, for offence punishable under Sections 147, 148, 149, 323, 324, 325, 302, 506 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Sadar Dadri, District Charkhi Dadri.

The earlier petition seeking grant of regular bail to the petitioner was dismissed as withdrawn on 08.10.2018.

Counsel for the petitioner submits that this 2nd petition has been filed on two grounds. Firstly, the petitioner has undergone the judicial custody for a period of 02 years and 06 months as he is in custody since 07.07.2017 and secondly, 02 of the prosecution witnesses i.e. PW1 – Arun and PW18 – Ashwani Kumar has been examined and they have not attributed any injury caused to the deceased – Jagat

Narayan, to the present petitioner.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the complaint of PW1 – Arun, he along with deceased – Jagat Narayan, Deepak, Ashwani and Rajbir, were present in their fields when Tek Ram, Raghbir, Vinod, Surender, Baljit, Sahil, Sujeet, Sumit, Mange Ram, Ramesh, Kapil, Munni, Jarmany, Sunit and wife of Vinod, also came there on a tractor, which belong to the petitioner and caused injuries to Jagat Narayan. When Deepak, Ashwani and Rajbir tried to save him, they were also given beatings. It is further submitted that as per the version in the FIR as well as the statement of PW1 – Arun and PW18 – Ashwani Kumar, the petitioner has not caused any injury to the deceased – Jagat Narayan and the allegations are that when these 02 witnesses along with Rajbir and Deepak tried to save the deceased – Jagat Narayan, they were given beatings by the petitioner and the other accused.

Counsel for the petitioner has also submitted that the petitioner was stated to be armed with *lathi* and with the same, he has caused injury to the aforesaid witnesses. It is further argued that out of 34 prosecution witnesses, 25 PWs have been examined and since the private witnesses, have already been examined, there is no possibility of tampering with the prosecution evidence and the petitioner is in custody for the last more than 02 years and 06 months.

Counsel for the petitioner has also referred to the statement of PW1 – Arun and PW18 – Ashwani Kumar to submit that both these witnesses have deposed on the line of the version given in the FIR in which no injury is attributed to the petitioner.

Counsel for the State, on instructions from ASI Naresh Kumar, has not disputed the fact that out of 34 PWs, 25 prosecution witnesses have been examined and only 09 PWs remain to be examined. It is further submitted that one of the co-accused namely Jarmany has already been granted the concession of regular bail by the trial Court.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the first bail application of the petitioner was dismissed as withdrawn on 08.10.2018 and now, 02 eye-witnesses have been examined and they have not attributed any injury sustained by the deceased – Jagat Narayan, to the petitioner as the same were attributed to the other accused and also in view of the fact that the petitioner has undergone the judicial custody of more than 02 years and 06 months and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.02.2020
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No