

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

CRM-M-20697-2020

Date of Decision : November 26, 2020

Bhanwar		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manish Soni, Advocate
 for the petitioner.

 Mr. Deepak Grewal, DAG, Haryana.
 (through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

 This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.13 dated 10.1.2020 under Sections 147, 148, 149, 323, 302 IPC and Section 25 of the Arms Act (added later on), registered at Police Station Badshahpur, District Gurugram.

 Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Anuj, his brother Rahul (deceased) was living with him and had a dispute with Lakhmi. It is further stated in the FIR that Lakhmi challenge the complainant and his bother that they want to earn money by using their force and in the meantime, some persons picked bricks/stones in their hands and a person was having a knife hit Rahul on his neck and Lakhmi hit on the head of the complainant. The person, who caused injury to Rahul was called as Montu by the others.

 Counsel for the petitioner submits that the petitioner is not named in the FIR and no specific injury is attributed to him. Counsel for the petitioner further submits that no motive is attributed towards the petitioner. He further submits that the only allegation against the

petitioner could be of unlawful assemble and nothing was recovered from the petitioner. He further submits that his father is paralytic patient and his mother is a kidney patient as per the record attached with the same. He also submits that the petitioner is in custody since 11.1.2020.

Reply by Assistant Commissioner of Police Sohna South, Gurugram is filed and as per the same, it is stated that Montu caused the fatal blow to Rahul on the left side of his neck. In the affidavit, it is also stated that the petitioner was arrested on the disclosure statement of the co-accused.

Learned State counsel further submits that the challan stands presented and the case is now fixed for 25.4.2021.

After hearing counsel for the parties; considering the submissions made by counsel for the petitioner and considering allegations in the FIR, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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

November 26, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable: : Yes/No