

**201-B IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-21062 OF 2020 (O&M)
DATE OF DECISION : 09.10.2020**

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. J. P. Jangu, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CRM NO. 18247 OF 2020

Allowed, as prayed for.

MAIN CASE

This is a petition for grant of regular bail in FIR No.95 dated 11.05.2019 under Sections 148/149/307/324/341/506 IPC (Section 302 IPC added later on), registered at Police Station Barauda, District Sonapat.

2. Per FIR, petitioner along with others inflicted injuries to complainant Anil and victim Prem. Injured Prem later succumbed to his injuries.

3. Learned counsel for the petitioner contends that co-accused Deepak @ Goli, Deepak @ Vicky, Rohit and Amit have already been granted the concession of regular bail by trial Court. He further contends that co-accused Vikash @ Nikku has also been granted bail by co-ordinate Bench of this Court vide order dated 29.06.2020 passed in CRM-M-14439 of 2020.

4. Learned counsel for the petitioner also argues that sword allegedly recovered from the petitioner did not have any blood stains. He further contends that so called independent witness who was joined by the Investigating Agency at the time of recovery of the sword, is real brother of the deceased. In the allegations contained in the FIR, there is no specific role assigned to the petitioner. He further argues that the deceased died after 13 days of causing the injury and therefore, at worse it is a case of culpable homicide not amounting to murder.

5. On the other hand, learned State counsel opposes the bail plea. He argues that petitioner is the prime accused. The sword which was used as main weapon to commit the murder, was recovered from him. The injury caused by the sword resulted in the death/murder of the deceased.

6. Since the injury which resulted into death/murder of the deceased is allegedly caused by the petitioner. The arguments addressed by learned counsel for the petitioner being matter of trial and at this stage the same cannot be a ground for grant of bail.

7. In the premise, no ground for grant of regular bail is made out.

8. Dismissed.

OCTOBER 09, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No