

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M No. 23068 of 2020

Date of Decision: 25.8.2020

Happy

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vinod S.Bhardwaj, Advocate and
Ms. Mehak Sawhney, Advocate
for the petitioner**

Mr. Rohit Arya, DAG, Haryana

Rekha Mittal, J.

Happy, accused in FIR No. 288 dated 24.7.2019 registered in Police Station, Pinjore, District Panchkula for offence punishable under Sections 323 read with Section 34, 384, 506 of the Indian Penal Code, 1860 (in short "IPC") (offence under Sections 120-B, 148, 149, 302 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 added later), prays for grant of regular bail, pending trial.

Counsel for the petitioner would argue that case of the petitioner is identical to that of co-accused Anil in so far as they were stated to be present at the scene of crime and did not cause any injury to deceased Satish. It is further argued that petitioner was not named in the FIR and his name cropped up in the disclosure statements made by co-accused Gaurav Rana and Naseem (Annexures P-2 and P-3). It is further argued that evidential value of statements in respect of attributing role to the

petitioner would be a moot point at the time of trial. According to counsel, only that part of statement recorded by the police is admissible in evidence under Section 27 of the Evidence Act which leads to discovery of a fact in consequence of information received from a person accused of an offence. The last submission made by counsel is that petitioner is in custody since 4.10.2019 and conclusion of trial is likely to take its own time.

Counsel representing State of Haryana has not disputed factual submissions but opposed the bail application with the plea that since the petitioner conspired with his co-accused/non-applicant who caused injuries to Satish in the presence of Anil and petitioner, the petitioner does not deserve to be enlarged on bail.

Indisputably, the petitioner has not been attributed any injury sustained by deceased Satish. He is in judicial custody for about one year. Conclusion of trial is likely to take its own time. There is no allegation that petitioner is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial court/ Additional Sessions Judge (on duty), Panchkula. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(ii)He shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

25.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No