

CRM-M-24631 of 2019

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

CRM-M-24631 of 2019
Date of Decision: 18.08.2020

Gurjant Singh and another
...Petitioners

Versus

State of Haryana
....Respondent

CRM-M-18345 of 2020 (O&M)

Chotu Ram
...Petitioner

Versus

State of Haryana
....Respondent

CRM-M-20132 of 2020 (O&M)

Jai Dev @ Shanty
...Petitioner

Versus

State of Haryana
....Respondent

CRM-M-20954 of 2020 (O&M)

Deepak Kumar @ Deepu
...Petitioner

Versus

State of Haryana
....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sahil Choudhary, Advocate, for the petitioners
in CRM-M-24631 of 2019.
Mr. K.S. Dhanora, Advocate, for the petitioners
in CRM-M-18345 & 20954 of 2020.
Mr. Saurabh Sharma, Advocate, for the petitioner
in CRM-M-20132 of 2020.
Mr. Sumit Gupta, Addl. A.G., Haryana.

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RAMENDRA JAIN, J. (ORAL)

Cases have been taken up for hearing through video-conferencing due to Covid-19 pandemic.

By this common order, above-mentioned four petitions under Section 439 Cr.P.C. for grant of regular bail in case arising from FIR No.199 dated 16.04.2018, registered under Sections 148, 149, 323, 324, 325, 302, 307, 447, 506, 511, 120-B IPC and 25 & 27 of the Arms Act, at Police Station Shahabad, District Kurukshetra, are being disposed of.

According to prosecution, in the day time of 16.04.2018, petitioners alongwith their co-accused, 200-300 in numbers, armed with deadly weapons like, gun, cutter, country made pistols, sticks etc. forming an unlawful assembly, attacked the complainant and murdered Mangatdeen and Faquirian. That apart, assailants including petitioners caused simple as well as grievous injuries to 34 persons, besides injuries to Asmat Ali declared as dangerous to life.

Learned counsel for petitioners *inter alia* contends that out of 83 prosecution witnesses, only 22 have been examined. Main material witnesses, initially, turned hostile. Now the public prosecutor has moved an application under Section 311 Cr.P.C. for re-examination of these witnesses which would delay the conclusion of trial. Gurjant Singh and Karam Singh (petitioners in CRM-M-24631 of 2019) are in custody since 08.06.2018 and 23.04.2018, respectively; Chotu Ram (petitioner in CRM-M-18345 of 2020) since 20.06.2018; Jai Dev @ Shanty (petitioner in CRM-M-20132 of 2020) since 19.06.2018 and Deepak Kumar @ Deepu (petitioner in CRM-M-20954 of 2020) since 19.06.2018. Co-accused of the petitioners namely

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Hukam Chand, Parveen Kumar, Gurpreet Singh and Raj Babbar and another have been granted bail vide orders dated 05.03.2019, 04.03.2020, 25.06.2020 and 06.07.2020 passed in CRM-M-56084-2018, 39117-2019, CRM-M-14492 of 2020 and CRM-M-12565 of 2020, respectively.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering overall circumstances and the facts that conclusion of trial may take sufficient long time on account of moving an application under Section 311 Cr.P.C. for re-examination of three prosecution witnesses, who earlier turned hostile, and treating the case of the petitioners on the same parity as that of their above-named co-accused, the petition is allowed. Consequently, petitioners – Gurjant Singh, Karam Singh, Chotu Ram, Jai Dev @ Shanty and Deepak Kumar @ Deepu – are ordered to be released on bail during pendency of trial, if not required in any other case, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

August 18, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No