

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.

CRM-M-27150-2020

Date of Decision : 25.9.2020

Harish Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

II.

CRM-M-27360-2020

Wazir Singh @ Rinku

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rahul Rathore, Advocate
for the petitioner in CRM-M-27150-2020.

Mr. Govind Chauhan, Advocate,
for the petitioner in CRM-M-27360-2020.

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petitions have been filed under Section 439 Code
of Criminal Procedure for grant of regular bail to the petitioners in case FIR
No.465 dated 10.10.2019 registered for the offences punishable under
Sections 148, 149, 323, 427, 455, 379-B, 307, 302, 506, 120-B of Indian

Penal Code (for short, “IPC”) at Police Station Sadar Thanesar, District Kurukshetra.

Heard.

The bail applications are opposed by the learned State counsel.

I have heard learned counsel for the parties.

The present case was got registered by Anshul Jasuja with regard to the incident which took place on 9.10.2019 in the premises of hotel Swagtam. As per the allegations in the FIR, Pankaj, Sukhbir accompanied by 20-25 boys came on motor cycles and other vehicles. They were armed with iron rods, wooden sticks etc. and they started causing damage to the hotel. They also attacked one Vijay and Sunil who were present there. They also snatched cash worth Rs. 52,000/- from manager Manjjit Singh. Both the injured were taken to the local hospital for their treatment. Sunil was later on shifted to PGIMER, Chandigarh where he died.

On completion of investigation, challan was presented and the case was committed. The trial is going on. As per the learned counsel for the petitioners, main witnesses have been declared hostile during the trial. Copies of statements of PW11 Anshul Jasuja (complainant), PW2 Vijay (injured), PW7 Manjit Singh (Manager) are available on record. All these three material witnesses have not supported the case of the prosecution while appearing in the witness box. Co-accused Ankit Kumar and Narinder Kumar have already been granted bail in this very case by the Coordinate Bench of this Court on the ground that the aforesaid three Pws failed to support the prosecution story. These facts are not refuted by the learned

In view of the aforesaid peculiar circumstances, no purpose will be served by detaining both the petitioners in custody for any longer period. It will take time for conclusion of the trial. Thus, without expressing any opinion on the merits of the case, both the above petitions are allowed and the petitioners are directed to be released on regular bail pending trial on their furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Kurukshetra.

September 25, 2020

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No