

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29038-2020

Date of Decision: 30.09.2020

Didar Singh @ Dhari @ Fouji and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rahul Rathore, Advocate,
for the petitioners.

Mr. Kirpal Singh Thakur, Assistant Advocate General, Haryana.

KARAMJIT SINGH, J. (Oral)

The case has been taken up through Video Conferencing due to prevailing situation of COVID-19.

The present petition has 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 application is 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 Manjit 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 trial was commenced. As per the learned counsel for the petitioners, main witnesses, namely, PW2 Vijay (injured), PW7 Manjit Singh (Manager) and PW11 Anshul Jasuja (complainant) were declared hostile during the trial. These three material witnesses did not support the case of the prosecution. Co-accused Ankit Kumar, Narinder Kumar, Harish Kumar, Wazir Singh @ Rinku and Parveen Kumar have already been granted bail in this very case by this Court, on the ground that the aforesaid three PWs failed to support the prosecution story. These facts are not refuted by the learned State counsel, who has got instructions from SI Virender Singh of CIA Staff, Kurukshetra.

In view of the aforesaid peculiar circumstances, no purpose would 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, this petition is 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.

30.09.2020
adhikari

(KARAMJIT SINGH)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No