

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

CRM-M-28715-2020

Date of Decision : November 26, 2020

Vinod		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. KDS Hooda, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. S.K. Verma, Advocate
for the complainant.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.275 dated 10.6.2017 under Sections 147, 148, 149, 323, 324, 325, 302, 506 IPC, registered at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner relies upon the order dated 3.2.2020 passed in CRM-M-18400-2019, wherein the facts of the case are also recorded as under :-

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the complaint of PW1–Arun, he along with deceased–Jagat Narayan, Deepak, Ashwani and Rajbir, were present in their fields when Tek Ram, Raghbir, Vinod, Surender, Baljit, Sahil, Sujeet, Sumit, Mange Ram, Ramesh, Kapil, Munni, Jarmany, Sunit and wife of Vinod, also came there on a tractor, which belong to the petitioner and caused

injuries to Jagat Narayan. When Deepak, Ashwani and Rajbir tried to save him, they were also given beatings. It is further submitted that as per the version in the FIR as well as the statement of PW1 – Arun and PW18–Ashwani Kumar, the petitioner has not caused any injury to the deceased – Jagat Narayan and the allegations are that when these 02 witnesses along with Rajbir and Deepak tried to save the deceased–Jagat Narayan, they were given beatings by the petitioner and the other accused.

Counsel for the petitioner has also submitted that the petitioner was stated to be armed with lathi and with the same, he has caused injury to the aforesaid witnesses. It is further argued that out of 34 prosecution witnesses, 25 PWs have been examined and since the private witnesses, have already been examined, there is no possibility of tampering with the prosecution evidence and the petitioner is in custody for the last more than 02 years and 06 months.

Counsel for the petitioner has also referred to the statement of PW1 – Arun and PW18 – Ashwani Kumar to submit that both these witnesses have deposed on the line of the version given in the FIR in which no injury is attributed to the petitioner.”

Counsel for the petitioner submits that even as per the statement of the complainant, the allegation against the petitioner are of similar nature as against the accused Surjit, who has been granted the concession of regular bail.

Counsel for the petitioner has also relied upon the another order dated 4.8.2020 passed in CRM-M-10480-2020 vide which, co-accused Sumit has also been granted the bail noticing the fact that 10

witnesses, including the complainant, has been examined and fatal blow caused by an axe blow is attributed to co-accused Tek Ram (non-applicant). Counsel further submits that the petitioner is in custody since July, 2017 and despite a long custody of more than three years, the trial is not concluded.

Learned State counsel, on the basis of the affidavit filed by the DSP, Charkhi Dadri as well as the post-mortem report and the other medical record and also on the basis of the statement of the complainant, who appeared as PW1 has not disputed the role of the petitioner.

After hearing counsel for the parties; considering the submissions made by counsel for the petitioner; the petitioner is in custody for about 3½ years and out of 34 witnesses, only 10 have been examined, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

November 26, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable: : Yes/No