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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.29969 of 2020 (O&M)
Decided on: 17.11.2020

Sunil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.123 dated 18.05.2020, for offence punishable under Sections 148, 149, 302, 323, 452 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Baroda, Gohana, District Sonapat.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Bijender, his family is having a civil litigation against Rampal son of Giani Ram and the Civil Court has decided the case in favour of the complainant party. On 17.05.2020, Rampal, Satyawan, Parveen, Iswar, Rajesh, Jai Bhagwan, Rajbir, Omi, Sunil (petitioner herein), Neeta, Sonu, Ravinder and Monu, who belong to the family of Rampal, started throwing bricks at the house of the complainant and when the complainant, his brother Narinder and elder brother Jagbir came out to see what is happening,

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the aforesaid persons armed with weapons attacked them. Rampal hit Bijender with a brick on his head and left shoulder, Monu hit his brother Narinder with a brick on his face and Rajbir hit on the legs and the arms with sticks and danda. Jai Bhagwan and Sonu caused injuries to Jagbir with brick, who was standing at verandah on the terrace of the house, which hit on the chest and back, due to which, he succumbed to his injuries while taking to PGI, Rohtak. It is further submitted that in fact, it was a case of free fight in which from the petitioner's side, 02 persons namely Jai Bhagwan and Rajbir, also suffered injuries and in this regard, a DDR has been registered with the police for treating it as a cross-version.

Counsel for the petitioner has also submitted that the petitioner – Sunil, though, named in the FIR but no specific role is attributed to him except that he was present at the spot. It is further submitted that neither any recovery is effected from the petitioner nor his disclosure recorded regarding his participation in the commission of offence is signed by him.

Counsel for the petitioner has also submitted that challan stands presented and it will take long time in conclusion of the trial. It is also submitted that the petitioner is not involved in any other case.

Counsel for the State has filed the affidavit of the Additional Superintendent of Police, Gohana, Sonapat and has not disputed the factual position as per the allegations in the FIR as well as the MLRs relied upon by the petitioner but opposed the prayer for bail.

After hearing the counsel for the parties and going through the contents of the FIR; MLRs relied upon by the petitioner as well as

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the role of the petitioner; and also in view of the fact that in the affidavit also, there is no role attributed to the petitioner; challan stands presented; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

17.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No