

CRM-M-38228-2019 and connected petitions

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

Date of decision:26.11.2020

1. CRM-M-38228-2019

Sahil @ Pawwa

...Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M-48238-2019

Vijay Gupta @ Monu

...Petitioner

Versus

State of Haryana

.....Respondent

3. CRM-M-22677-2020 (O & M)

Rajan

...Petitioner

Versus

State of Haryana

.....Respondent

AND

4. CRM-M-37224-2020

Tarun alias Prince

...Petitioner

Versus

State of Haryana

.....Respondent

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CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Singh Jattan, Advocate,
for the petitioners in CRM-M-38228-2019 and CRM-M-48238-2019.

Mr. Dinesh Sharma, Advocate,
for the petitioner in CRM-M-22677-2020.

Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner in CRM-M-37224-2020.

Mr. Tanuj Sharma, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This order of mine shall dispose of CRM-M-38228-2019 filed by petitioner-Sahil @ Pawwa, CRM-M-48238-2019 filed by petitioner-Vijay Gupta @ Monu, CRM-M-22677-2020 filed by petitioner-Rajan and CRM-M-37224-2020, filed by petitioner-Tarun alias Prince, for the grant of regular bail in case bearing FIR No.139 dated 26.03.2018, registered at Police Station Farakpur, District Yamuna Nagar, under Sections 323, 324, 452, 506, 302, 148, 149 and 120-B IPC.

Learned counsel for the petitioners contend that petitioner-Rajan is not named in the FIR; that although petitioners-Tarun alias Prince and Vijay Gupta @ Monu are named in the FIR yet no specific overt act has been attributed to them, and that petitioner-Sahil @ Pawwa is named in the FIR and has been attributed an injury with iron pipe on the right leg of the deceased. It is further submitted that the petitioners have been in custody since April 2018, and moreover, PW 1 Gurcharan Singh has been declared hostile but he has allegedly attributed simple injury to petitioner-

Tarun alias Prince, whereas PW 2 Gurvinder Singh @ Gindi has also not

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supported the prosecution version and has been declared hostile. It is further submitted that sword blows on the head of the deceased have allegedly been attributed to Dimple and Bagga, who have been summoned under Section 319 Cr.P.C. It is further submitted that after summoning under Section 319 Cr.P.C., the trial would start *de novo* as against the accused, which is likely to take a considerable long time.

On the other hand, learned State counsel while opposing the prayer made in the present petitions submits that the petitioners alongwith co-accused being the members of an unlawful assembly, had committed the murder of Monu.

I have heard the learned counsel for the parties and gone through the record.

From the record, I find that petitioner-Rajan is not named in the FIR, no specific overt act has been attributed to petitioners-Tarun alias Prince and Vijay Gupta @ Monu and no fatal injury has been attributed to petitioner-Sahil @ Pawwa. Moreover, PW 1 and PW 2 have not supported the prosecution version. The petitioners have been in custody since April, 2018. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is however made it clear that none of the observations made

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above shall be construed to be an expression on the merits of the main case.

26.11.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No