

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49861-2019
Date of decision-15.01.2020

Mukesh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surender Saini, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Mukesh has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.256 dated 06.05.2019 registered under Sections 148, 149, 323, 325, 302, 506 and 120-B of Indian Penal Code, 1860 at Police Station Samalkha, District Panipat. The petitioner is in custody since his arrest on 09.05.2019.

The FIR was registered on the statement of Deepak son of Kaptan wherein it was stated that on 05.05.2019 his brothers, namely, Ajay and Ankit alongwith the Sandeep son of Nand Lal, had gone to Samalkha for job. The complainant received the information that Sumit and Lalit sons of Raj Singh, Saurabh Julaha, Rampal son of Rajender, Kapil and Sushil sons of Bali assaulted his brothers and Sandeep. When complainant alongwith other family members reached at Samalkha, then his brother Ajay informed that the above accused attacked him with sticks whereas Ankit and Sandeep

had run away. The accused chased Sandeep and apprehended him in the fields, who was murdered. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that originally seven persons were named in the FIR i.e. Sumit, Lalit, Saurabh Julaha, Rampal, Pankaj, Kapil and Sushil by complainant- Deepak. He submits that the petitioner was not named in the FIR and during investigation, out of seven only three persons, namely, Sumit, Saurabh Julaha and Rampal were found involved in the crime and the other four persons were found innocent and in their place, four persons, namely, Anil, Dinesh, Mukesh (petitioner) and Rahul were indicted as an accused, on the basis of disclosure statement suffered by co-accused-Rampal. It is pointed out that the petitioner has been attributed slaps to the witness-Ajay and he did not cause any injury to the victim-Sandeep. He further submits that co-accused, Anil and Dinesh have been extended the concession of regular bail by the trial Court on the ground that the material witnesses have not supported the prosecution case.

On the other hand, learned State counsel while opposing the prayer on instructions from ASI Baljeet Singh has not disputed the fact that the complainant, Ajay and Ankit have not supported the prosecution case. She has further apprised the Court that there are 21 witnesses left to be examined on behalf of the prosecution. It is not disputed by learned State counsel that petitioner did not cause any injury to Sandeep (deceased).

Considering the above background, custody of the petitioner who is in custody since 09.05.2019 and the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention

of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

15.01.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No