

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 02.03.2020

1. CRM-M-54059-2019 (O&M)

Ashok @ Bittu and another

... Petitioners

Vs.

State of Haryana

... Respondent

2. CRM-M-53684-2019 (O&M)

Sanjeev @ Patel

... Petitioner

Vs.

State of Haryana

... Respondent

3. CRM-M-53687-2019 (O&M)

Deepak

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, Advocate
for the petitioners (in CRM-M-54059-2019).

Ms. Rajni Paul, Advocate
for the petitioner(s) (in CRM-M-53684 & 53687-2019).

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for the complainant (in all cases).

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to petitioners Ashok @ Bittu, Nirdosh, Sanjeev @ Patel and Deepak, in FIR No.894 dated 21.08.2019 under Sections 147, 149, 323, 342, 365, 377, 506, 509 IPC, Section 67 of I.T. Act, 2008 and Sections 3(1)(a), 3(1)(d), 3(1)4, 3(1)s, 3(1)z, 3(2)(va) of SC&ST Act, 1989, registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for petitioners Ashok @ Bittu and Nirdosh submits that both the petitioners are brothers and wife of petitioner Ashok @ Bittu namely Krishma Devi has allegedly ran away with the complainant. It is further submitted that both the petitioners are in judicial custody for the last more than six months; investigation is complete and they are not involved in any other case.

Learned counsel for petitioners Sanjeev @ Patel and Deepak has submitted that they are co-villagers of the complainant and are also in custody for the last more than 06 months and 10 days. Learned counsel has referred to allegations in the FIR, wherein it is stated that accused persons have removed pant of the complainant with an intent to kill him and inserted an iron rod in his anus and thereafter, they blackened his face as well as face of Karishma Devi and put shoe garland in their neck and made them to take a round in the village.

Learned counsel further referred to MLR of the complainant that there is no such corresponding injury in the MLR regarding forcible insertion of iron rod in anus of the complainant. It is further submitted that the complainant has already entered into a compromise with one of the accused Akshay and in

view of the compromise, co-accused Akshay has already been granted the concession of regular bail by this Court vide order dated 10.02.2020 passed in CRM-M-48-2020.

Learned State counsel, on instructions from ASI Ajaib Singh and assisted by learned counsel for the complainant, has not disputed the factual position. It is also not disputed that the medical evidence do not support the allegations levelled in the FIR.

Learned State counsel, on instructions from ASI Ajaib Singh, has submitted that wife of petitioner Ashok @ Bittu i.e. Karishma Devi and complainant Sunil are still residing together, as she has left the company of petitioner Ashok @ Bittu. It is further submitted that investigation is complete; challan stands presented and charges have been framed.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, all these three petitions are allowed and petitioners Ashok @ Bittu, Nirdosh, Sanjeev @ Patel and Deepak are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

02.03.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No