

202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4265-2021

Date of Decision: 09.04.2021

SUNNY

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Vivek Khatri, Advocate, for the petitioner.

Mr. Amrik Singh Narwal, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The matter has been taken up through video-conferencing due to COVID-19 pandemic.
2. Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.74 dated 28.02.2019 under Sections 302 read with Section 34 of Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station Barwala, District Hisar.
3. Briefly, the case has been registered on the basis of statement of Ramesh Kumar alleging that on 27.02.2019, there was marriage of his cousin, namely, Ajay and during the course of ceremony in the evening hours, Ashok @ Shoki arrived at with a revolver and started firing in the air. The family members of the complainant persuaded him and sent him back to his house. Thereafter, on 28.02.2019, at about 12.30 P.M., the marriage ceremony was being performed and Ashok @ Shoki arrived at the spot alongwith a revolver. He fired a shot towards the chest of Yogesh, the son of the complainant. Ashok had also called his brother-in-law Sunny, i.e. the petitioner and other friends. Suman, Premli, Sunny and two friends also

arrived at the spot and started raising *lalkaras*. They threw brickbats and stones. On hearing the noise, the complainant and Chander Devi, wife of Balwan Singh arrived at the spot. Ashok Kumar fired another shot which hit the abdomen of Chander Devi. The assailants ran away from the spot. Yogesh was taken to hospital where he was declared dead. Chander Devi also succumbed to the injuries.

4. It has been argued by learned counsel for the petitioner that he is in custody for the last more than two years and two similarly placed accused, namely, Suman and Premli have been found innocent during the course of investigation. Furthermore, the fatal injuries have not been attributed to the petitioner.

5. On the contrary, it has been argued by learned State counsel that the petitioner is brother-in-law of Ashok who was sharing common intention with him. Furthermore, the petitioner has been specifically named in the FIR, *lalkara* has been attributed to him and he had also thrown brickbats and stones. Moreover, during the course of trial, 06 witnesses have already been examined.

6. In the instant case, the petitioner has been specifically named in the FIR. In the occurrence, two persons have lost their lives. Though fatal injuries have been attributed to Ashok, the brother-in-law of the petitioner, but the name of the petitioner specifically finds mentioned in the FIR. There are allegations to the effect that he had raised *lalkara* and thrown brickbats and stones. The material on record is indicative of the fact that he had actively participated in the occurrence. Merely because the petitioner is in custody for the last more than two years, it cannot be construed as a circumstance to extend the concession of bail particularly because the

Courts were on restricted mode of hearing during the last one year due to pandemic Covid-19. The gravity of allegations and severity of sentence are the significant factors which have to be seen at the time of extending the concession of bail.

7. Keeping in view the entire circumstances and material on record, no justify ground is made out to extend the concession of bail to the petitioner.

8. Dismissed.

09.04.2021
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(VIVEK PURI)
JUDGE

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