

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

CRM-M-6671-2021

Date of decision: 24.08.2021

Saurabh and another

.....Petitioners.

vs.

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: - HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: - Mr. Bipan Ghai, Senior Counsel
with Mr. Manish Deswal, Advocate,
for the petitioners.

Mr. Gagandeep Singh Chhinna, AAG, Haryana.

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Manjari Nehru Kaul, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in case FIR No. 118 dated 27.05.2020 lodged under Sections 148, 149, 302, 323, 354-D and 452 of IPC, Police Station Chhachhrauli, District Yamuna Nagar.

Learned senior counsel while inviting the attention of this Court of the FIR in question submits that it is evident that no overt act that has been attributed to the petitioners and moreover the allegations attracting the mischief of Section 354-D have not been levelled against them. He further submits that the deceased Sunita suffered only one injury when the accused party allegedly pelted stones on her.

Learned senior counsel further submits that the said injury which proved to be fatal has not been attributed to the petitioner but to the co-accused Mewa Ram and Vishal. He further submits that the co-accused Rubi has been attributed another injury on the person of a witness namely Sandeep Sikka which too was opined to be simple in nature.

Learned senior counsel further submits that since the petitioners have not been attributed any specific injury on any of the witnesses much less the deceased and petitioner No. 1 Saurabh has been in custody since 01.07.2020 while Budh Ram @ Pardeep Kumar has been custody since 27.05.2020, they be extended the concession of bail as the trial is unlikely to conclude in the near future as an application under Section 319 of the Criminal Procedure Code has been moved by the prosecution for summoning the co-accused who were placed in column No. 2 during the investigation.

Learned State counsel on the other hand while opposing the prayer of the petitioners has not been able to controvert the factual aspect of the submissions made by the learned senior counsel with respect to the role attributed to the petitioners in the occurrence in question. Learned State counsel has very fairly conceded that the petitioners have not been attributed any injury much less the fatal injury on the person of the deceased-Sunita.

Heard.

In view of the submissions made by learned counsel for the petitioners, the present petition is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

24.08.2021

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no