

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-7850-2021
Decided on : 08.07.2021

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashwani Gaur, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.521 dated 05.11.2019 registered under Sections 148, 149, 323, 354, 452, 506 IPC, 1860 (Section 302 IPC added later on) at Police Station Safidon District Jind.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 16.11.2019 and there is no likelihood of the trial concluding in the near future as charges are yet to be framed. He further submits that similarly situated co-accused Sharwan, Devender and Jasbir have since been extended the concession of bail by this Court vide orders dated 21.01.2021 and 16.02.2021 respectively. He submits that in fact the role attributed to the co-accused Jasbir and Sharwan is more serious than the role of the petitioner. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. While drawing the attention of this Court to the FIR in question, she contends that not only was the petitioner specifically named in the FIR in question but he

was an active participant in the entire occurrence. She has further submitted that the three accused, who were extended the concession of bail, were not present inside the house wherein the actual occurrence took place. They were in fact standing outside the house and inflicted injuries only after the deceased was dragged out of the house by none other than the petitioner himself.

Heard.

Prima facie there are serious and specific allegations levelled against the petitioner in the alleged occurrence. A perusal of the FIR reveals that the petitioner along with the co-accused entered the house of the complainant holding a danda. On entering the house, the petitioner dragged the deceased Satbir outside. However, when the complainant tried to rush to the rescue of his father i.e. deceased, the petitioner inflicted a danda blow on him. Not only this, the petitioner also participated in the occurrence outside in the street and inflicted danda blow on the person of the complainant.

In the circumstances, the case of the petitioner is clearly distinguishable from that of the co-accused, who have since been extended the concession of bail by this Court. Accordingly, the present petition stands dismissed. 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

08.07.2021
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No