

In virtual Court

CRM-M-11307-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11307-2021 (O&M)
Date of decision: 03.09.2021

Sahil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Aggarwal, Advocate
for the petitioner.

Mr. Kirpal S. Thakur, AAG, Haryana.

Mr. N.S. Choker, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.83 dated 18.07.2018 under Section 302 IPC and Section 25 of Arms Act, registered at Police Station Bapoli, District Panipat; earlier one was dismissed as withdrawn on 05.08.2020.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Amit, on 17.07.2018, Sharab Singh and Vishal brought his cousin Akshay in an injured condition on scooty to the hospital and on his way, he disclosed that he was assailed by petitioner Sahil

with a knife, however, he could not disclose the name of other assailants. It is further stated that Akshay was in serious condition, as there were deep wounds in his head and abdomen and due to his serious condition, he could not tell the name of other persons.

Learned counsel for the petitioner has argued that Sharab Singh and Vishal, the persons, who brought Akshay, are not cited as prosecution witnesses and rather Sharab Singh had given an affidavit that he was inside his house and when he came out, he saw Akshay lying in unconscious condition and therefore, he is not an eyewitness. It is further submitted that even statement under Section 161 Cr.P.C. of eyewitness Sunny was recorded on 22.07.2018 by the Investigating Officer, otherwise he should be the first informant and his statement could have been recorded on 17.07.2018 itself. It is also submitted that Sunny is a relative of the complainant family and has been introduced later on as an eyewitness. Learned counsel further submits that the petitioner is in custody since 18.07.2018 and it was a case of sudden provocation, as the deceased had called bad name of his sister.

In reply, learned State counsel, on the basis of affidavit of the Investigating Officer/Inspector Yogesh Kumar, Police Line, Panipat, has submitted that the petitioner even in his own disclosure statement stated that deceased Akshay used to tease his younger sister and on that account, he developed enmity with Akshay and committed the offence. It is further submitted that charges have been framed against the petitioner; the case is fixed for recording the prosecution evidence; five witnesses have been examined and

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now the trial is progressing.

After hearing learned counsel for the parties, I find no ground to entertain this second petition for grant of regular bail to the petitioner, as he is the main accused.

Accordingly, the present petition is dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

03.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No