

In virtual Court

CRM-M-7993-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-7993-2020 (O&M)  
Date of decision: 15.07.2021

Sumit @ Commando

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Naveen Kundu, Advocate  
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

This is 4<sup>th</sup> petition for grant of regular bail in FIR No.42 dated 19.01.2018 under Sections 302, 148, 149, 506 IPC and Sections 216, 120-B IPC (added later on), registered at Police Station Samalkha, Panipat.

Learned counsel for the petitioner submits that new ground for filing this petition is that now statement of the eyewitness/PW2 Kanta wife of deceased Kanwar Bhan has been recorded and in the statement, instead of referring to the petitioner, as one of the assailant, she has stated that after the incident, the petitioner helped her in shifting the deceased to CHC, Samalkha, Panipat in his car. In the statement, nothing is attributed to the petitioner.

Vide order dated 05.07.2021, Deputy Superintendent of Police, Samalkha was directed to verify the fact whether the person named as Sumit son of Bali Singh, as referred to by PW2/complainant Kanta, is the same person, as petitioner Sumit @ Commando son of Bali Singh.

Affidavit of Assistant Superintendent of Police, Samalkha, Panipat filed in the Court today, is taken on record, in which it is stated that the petitioner and Sumit son of Bali Singh is the same person, who has helped complainant/PW2 Kanta wife of deceased Kanwar Bhan, however, an explanation is given that it has come in the statement of co-accused Ankur that the petitioner, in conspiracy with other accused, has committed the offence. It is further stated that after coming to know that deceased has died, petitioner Sumit @ Commando, as per the plan, took his car and helped PW2 Kanta in shifting Kanwar Bhan to the hospital. It is also stated that similar disclosure was made by the petitioner on 24.01.2018 that as per the conspiracy, after committing the offence, he was to transfer injured Kanwar Bhan to hospital so that he may become a witness.

Learned counsel for the petitioner has also placed on record a certificate dated 20.06.2021 issued by Medical Officer, District Prison, Panipat, wherein it is stated that the petitioner has a previous history of B/L ACL tear with history of operation on both knees in 2017 in private hospital and further operation ACL right knee at PGIMS, Rohtak in 2019 and he was advised surgery of left knee for ACL. It is further stated that the petitioner has difficulty in walking due to pain and severe swelling left knee and is known case of

hypertension and complains of chest pain, anxiety and palpitation, for which he requires medical attention.

Learned State counsel has submitted that as per the prosecution version, PW2 Kanta has moved a complaint that her husband left on motorcycle for Court and she was the pillion rider. In the meantime, Ankur, Sandeep, Rohit sons of Ramesh, Neeraj son of Joginder, Joginder son of Raghbir and two other persons came in a swift car carrying gandasi, iron pipes and attacked on her husband and due to sustaining injuries on his head and other parts of the body, he died.

A perusal of the record shows that Sunil @ Sheela, Mahabir and Sumit @ Mota have already been granted the concession of regular bail vide order dated 25.01.2019 passed in CRM-M-64520-2018, order dated 17.12.2018 passed in CRM-M-54483-2018 and order dated 21.11.2018 passed in CRM-M-46332-2018, respectively.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that in the statement of eyewitness/complainant-PW2 Kanta wife of deceased Kanwar Bhan, it has come that it is the petitioner, who has helped her in shifting her husband to the hospital and she has not nominated him to be the main accused and also in view of the fact that it is case of the prosecution that the petitioner was part of the conspiracy and was arrested with aid of Section 120-B IPC, as per affidavit of ASP, Samalkha, Panipat dated 10.07.2021 and also considering the fact that the petitioner is in custody for the last 03 years, 05 months and 21 days and is not

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facing trial in any other case, as on today, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ ARVIND SINGH SANGWAN ]  
JUDGE**

15.07.2021  
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No