

CRM-M-8738-2020 (O&M) and other connected petitions

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

Date of decision-05.01.2021

1. CRM-M-8738-2020 (O&M)

Ravi

....Petitioner

Vs.

State of Haryana

...Respondent

2. CRM-M-16278-2020 (O&M)

Mohit

....Petitioner

Vs.

State of Haryana

...Respondent

3. CRM-M-18099-2020

Vishal

....Petitioner

Vs.

State of Haryana

...Respondent

4. CRM-M-19190-2020 (O&M)

Deeraj @ Dheeraj

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

**Present: Mr. Rakesh Kumar Lathwal, Advocate for the petitioner
in CRM-M-8738-2020.**

**Ms. Monika Tanwar, Advocate for
Mr. Ramnish Puri, Advocate for the petitioners
in CRM-M-16278-2020 and CRM-M-19190-2020.**

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Mr. Sandeep Singh, Advocate for the petitioner
in CRM-M-18099-2020.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioners are accused and have filed the above mentioned petitions separately for grant of regular bail under Section 439 Cr.P.C in case FIR No.387 dated 16.08.2018 registered under Sections 148, 149, 302, 323, 427, 452 and 506 Indian Penal Code, 1860 (Section 120-B IPC added later on) at Police Station Kundli, District Sonipat. Accused Vishal was arrested in September 2019, whereas the other accused were arrested in August 2018.

The FIR was registered on the statement of Vikas s/o Partap Singh, wherein it was stated that complainant along with his brother-Gourav, runs a general merchant shop at Paper Mill Kundli. On 15.08.2018 at about 07.30/08.00 p.m., Manish alongwith his two friends came to their street and had an altercation with complainant's tenant-Aas Mohammad. Complainant intervened and saved his tenant. After half an hour, Manish alongwith 15-20 associates, armed with wooden sticks, came back to his shop and surrounded his brother (Gourav) and started beating him. Complainant and his tenant tried to rescue Gourav and they started beating all of them. The complainant saved himself by running away from the spot and upon their shout for help, the assailants left the place of occurrence. The complainant and his relatives

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took Gourav (victim) to the Hospital, where he died due to head injuries. On these broad allegations, FIR was registered.

Learned counsel for the petitioners have argued that complainant-Vikas had named Manish as an accused who attacked the victim along with 15-20 persons. It is contended that the petitioners were not named in the FIR and after completion of investigation, 14 persons including petitioners were sent to face trial and all of them are in custody. He has invited the attention of the Court to the testimony of material witnesses, namely, Vikas (PW-2) and Aas Mohammad (PW-3) appended with the petition and contended that they have not supported the prosecution case and were declared hostile. He submits that petitioners are in judicial custody and the trial is likely to consume considerable time, therefore, further custody of the petitioners may not be necessary. He prays that the petitioners be released on regular bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Naresh Kumar vehemently opposed the prayer on the ground that the offence is serious and the petitioners participated in the crime along with Manish. It is not disputed by the learned State counsel that the witnesses, Vikas and Aas Mohammad turned hostile, but according to him, still there are 26 witnesses who remain to be examined on behalf of the prosecution.

After hearing the learned counsel for the parties, this Court finds that the trial has commenced and the material witnesses have been examined. As per learned State counsel, 26 prosecution witnesses are yet to

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be examined and most of them are Police officials witnesses and therefore, there is no possibility of their being won over. The petitioners after their arrest are in judicial custody for a long time and their further detention may not serve any useful purpose. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Petitions are allowed.

(MANOJ BAJAJ)
JUDGE

05.01.2021
vanita

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