214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14322-2021
DECIDED ON: 9th JULY, 2021

SAGAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ketan Antil, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in case FIR No. 300, dated 6th October, 2019, under Sections 148, 149, 323, 324, 307, 302, 212 and 506 IPC (Section 212 of IPC added later on) and Sections 25 of Arms Act, 1959, registered at Police Station Sadar Gohana, District Sonipat.

The FIR was at the instance of Shiv Kumar. As per the allegations, on 6th October, 2019, the complainant alongwith his cousin Rakesh were going to Baraut in a Auto-rickshaw. On Sonipat road near Maruti Agency, Ginni, Sanjeet, Kaku, Sagar (petitioner) and Deepak alongwith 4-5 persons stopped their auto and attacked brother of the complainant. Knife and a sua blow was inflicted. One Kaku had a pistol in his hand. After the incident, the accused fled from the place of incident.

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High Court, Chandigarh

As a result of injuries brother of the complainant lost his life.

During investigation, the petitioner and co-accused were arrested.

Learned counsel for the petitioner submits that the petitioner is in custody since 10th October, 2019. No specific role is attributed to the petitioner. He relies upon the statements of some of the witnesses to state that they have refused to identify the petitioner.

Learned State counsel opposes the prayer for grant of bail. She argues that all the accused had assembled with a common intention. It was the result of the injuries inflicted that the brother of the petitioner lost his life. She submits that the prosecution witnesses are being examined.

The mere custody period in itself will not be a ground for granting bail to the petitioner. Without commenting upon the merits of the case it would be suffice to say that the reading of the evidence by the counsel for the petitioner is not in right perspective. The allegations involved are serious, considering the gravity of offence, no case is made out for bail.

The petition is dismissed.

(AVNEESH JHINGAN)

JUDGE

9th JULY, 2021
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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