

CRM-M-16087-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

Decided on: August 23, 2021.

(1)

CRM-M-16087-2021 (O&M).

Inder

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

(2)

CRM-M-16494-2021 (O&M).

Samunder

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mr.Munish Kumar Garg, Advocate,
for the petitioner in CRM-M-16087-2021 (O&M).**

**Mr.J.P.Jangu, Advocate,
for the petitioner in CRM-M-16494-2021 (O&M).**

Mr.Deepak Manchanda, Addl. A.G. Haryana.

CRM-M-16087-2021 (O&M)

JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted two petitions i.e. CRM-M-16087-2021 filed by petitioner – Inder and CRM-M-16494-2021 filed by petitioner – Samunder, under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.206 dated 17.8.2018, under Sections 148, 149, 323, 341 and 506 of IPC (Sections 325 and 302 of IPC added later on), registered at Police Station Sadar Narwana, District Jind.

It has been argued by both the learned counsel for the petitioners that in the present case even as per the FIR no injury was attributable to both the petitioners qua deceased Sandeep and rather it was attributable to Sonu and Vijay. They have submitted that the injuries which have been attributable to the petitioners are simple in nature and petitioner Inder in CRM-M-16087-2021, is facing incarceration for about 3 years and petitioner Samunder in CRM-M-16494-2021 is in custody since 4.10.2018 i.e. for the last 2 years and 10 months and the trial of the case is not making any progress and out of total 29 witnesses cited by the prosecution, only 9 witnesses have been examined. They have submitted that no recovery is to be effected from the present petitioners and both the petitioners are not involved in any other case. They have further submitted that even in the present case it was a case of free fight and considering the facts of the present case and incarceration period of the petitioners, they may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that so far as custody period of the petitioners is concerned the same is not

CRM-M-16087-2021 (O&M)

in dispute and it is also not in dispute that both the petitioners are not involved in any other case. He has submitted that no recovery is to be effected from the present petitioners and out of 29 witnesses cited by the prosecution, only 9 have been examined. However, the learned State counsel has opposed the grant of bail on the ground that the matter involves death of a person and is serious in nature.

I have heard the learned counsel for the parties.

Petitioner Inder is in custody for the last 3 years and the petitioner Samunder is in custody for the last 2 years and 10 months and there is no other case against the petitioners. It is not the case of the State that in case the petitioners are released on bail then they may influence any witness or tamper with evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioners. Accordingly, both the petitions are allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

A photocopy of the order be placed on the file of connected case.

August 23, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No