

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16472-2021 (O&M)

Date of Decision: 01.11.2021

Rohit

... Petitioner

VS.

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. SS Dinarpur, Advocate for the petitioner

Mr. Deepak Grewal, DAG Haryana

Arvind Singh Sangwan, J. (Oral)

Prayer in this petition is for grant of regular bail in FIR No.465 dated 10.10.2019 under Section 148, 149, 323, 325, 302, 307, 379-B, 427, 455, 506, 120-B of IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

Counsel for the petitioner submits that as per the allegations made in the FIR registered at the instance of Anshul Jasuja, the complainant is having a hotel and on the date of incident, 4-5 boys came to the hotel for taking food. They were drunk and started quarreling with waiter and on this, they were asked to leave the hotel. Later in the night, they again came and attacked the hotel with weapons and caused injuries to Vijay and Sunil. Later Sunil died due to the injuries sustained in this incident.

Counsel for the petitioner submits that in the FIR, the complainant has named 2 persons i.e. Pankaj and Sukhbir as well as their companions. Counsel has referred to the statement of injured witness Vijay who appeared as PW2 to submit that he has not supported the prosecution version and he was declared hostile and when he was confronted with the statement, he denied the same. Counsel then referred to the statement of

Anshul Jasuja – the complainant who was also declared hostile as he has not identified any of the accused persons including Sukhbir and Pankaj. Counsel has referred to the some order vide which the co-accused Pankaj Sharma @ Jony has already been granted the concession of regular bail vide order dated 14.10.2020 passed in CRM-M-29138-2020 (P12).

Learned State counsel on the basis of the affidavit of DSP Ladwa submits that during investigation, it was found that Didar Singh and Pankaj had made a disclosure statement that the deceased died due to infliction of iron rod injury which was caused by the present petitioner/accused as well as other accused persons and the Brezza car used in the incident was recovered from the petitioner.

Counsel for the petitioner has referred to the orders passed by this Court vide which both the aforesaid co-accused, namely, Didar Singh and Pankaj have already been granted the concession of regular bail on 30.09.2020 passed in **CRM-M-29038-2020 (Didar Singh @ Dhari @ Fouji & Anr. Vs. State of Haryana)** (P11) and vide order dated 14.10.2020 passed in **CRM-M-29138-2020 (Pankaj Sharma @ Jony & Anr. Vs. State of Haryana)** (P12).

Counsel submits that the petitioner's name was disclosed by the aforesaid co-accused who has already been released on regular bail and therefore, in view of the fact that neither the injured victim Vijay nor the complainant Anshul Jasuja have supported the prosecution version and therefore, there is no possibility of tampering with any witness as the main witness already stands examined. He further submits that the petitioner has undergone 1 year and 23 days of custody and is not indulged in any other case.

Without commenting anything on merits of the case, considering the submissions made by learned counsel for the parties and also in view of the facts and circumstances of the case, 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.

01.11.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Arvind Singh Sangwan)
Judge

Yes/No
Yes/No