

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 06.04.2021

1. CRM-M-13669-2020 (O&M)

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-32789-2020 (O&M)

Deepak @ Rocky

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sushil Sheoran, Advocate
for the petitioner (in CRM-M-13669-2020).

Mr. Rajesh Dhankhar, Advocate
for the petitioner (in CRM-M-32789-2020).

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to petitioners Kuldeep and Deepak @ Rocky, in FIR No.20 dated 10.03.2019 under Section 346 IPC and Sections 302, 34, 147, 149, 201 IPC (added later on), registered at Police Station Bond Kalan, District Charkhi Dadri.

Learned counsel for the petitioners have jointly argued that as per allegations in the FIR, registered at the instance of Jaibhagwan, on 09.03.2019 at about 8.30 pm, in the Dharamsala, Sandeep, Ramotar, Sombir and Kirshan were sitting and three boys came on a motorcycle, who were Somdutt, Bittu and Amit. They were having old enmity with Krishan son of Jai Bhagwan and they started beating Krishan. Thereafter, whereabouts of Krishan are not known. When they enquired about him from the relatives, they could not find any clue. It is further submitted that initially, FIR under Section 346 IPC was registered and thereafter, on receiving an information that dead body of Krishan was found lying in the forest area, Section 302 IPC was added.

Learned counsel for the petitioners have further submitted that during the investigation, the police arrested, Somdutt son of Balbir, Amit son of Munni and Bittu were arrested and on their disclosure, clothes worn by them, while committing the crime, the motorcycle and a wooden stick used for causing the injuries to the deceased and a mobile phone were recovered. They also suffered disclosure statement that petitioners Kuldeep and Deepak @ Rocky were also involved in the crime. Thereafter, they were arrested. Petitioner Kuldeep suffered a disclosure statement that on 09.03.2019, he along with co-accused Sumit @ Jhota and petitioner Deepak @ Rocky were present in

a temple and when they received a phone call from Amit, brother of Sumit @ Jhota that a scuffle has taken place near pond in the jungle and they should come there. On this, they hired a motorcycle from one Kala and all the three boys along with Sumit @ Jhota went there and found that Amit, Som Dutt, Bittu and Chintu were beating Krishan with lathies.

Learned counsel have next submitted that it is further allegation that the petitioners had provoked them to kill Krishan and there is no previous enmity of the petitioners with the deceased or his family members and there is a specific allegation in the FIR against co-accused namely Som Dutt, Bittu and Amit that they had previous enmity with deceased Krishan. It is also submitted that even as per own disclosure statement of the petitioners, there is no allegation that they had caused any injury to the deceased. It is next submitted that both the petitioners are in custody for the last about 01 year and 02 months and out of total 33 prosecution witnesses, only 02 PWs have been examined, therefore, it will take long time in conclusion of the trial.

Learned State counsel has filed reply by way of affidavit of Deputy Superintendent of Police, Dadri, in which the details of the investigation are given and it is stated that on the disclosure statement of main accused, both the petitioners were involved in the case and they suffered a disclosure statement that they along with Sumit @ Jhota, on receiving a phone call from Amit, had gone to the place of occurrence, where four other co-accused were causing injuries to deceased Krishan.

After hearing learned counsel for the parties, without commenting

anything on merits of the case and considering the aforesaid submissions made by them, both these petitions are allowed and petitioners Kuldeep and Deepak @ Rocky are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Both the petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.04.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No