

207

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

CRM-M-28289-2021

Date of decision: 03.11.2021

Sonu

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pankaj Kaushik, Advocate for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 206, dated 13th September, 2020 under Sections 148, 149, 307, 302, 323 and 324 IPC and Section 25 of the Arms Act, 1959, registered at Police Station HSIIDC, Barhi.

[3] Brief facts of the case are that on 13th September, 2019, Dinesh received information from Anil that some persons were manhandling him near Jindal Shokes Company, Ram Nagar. On getting

the information, Pawan (complainant), Narsi Kashyap (father of the complainant) and Navrattan (younger brother of the complainant) and one Jagmohan rushed to the spot and found that Kuldeep, Sonu, Bittu and Sanjay were giving beatings to Anil. When they tried to save Anil, all accused persons attacked them with stick and sharp edged weapon. Narsi Kashyap and Jagmohan expired on the spot whereas Anil and Navrattan sustained multiple injuries.

[4] Mr. Pankaj Kaushik, learned counsel for the petitioner submits that recovery from the petitioner is of mobile phone and *danda*. No specific injury is attributed to the petitioner. He is in custody since 16th September, 2020.

[5] Ms. Dimple Jain, Assistant Advocate General, Haryana opposes the prayer for grant of bail and submits that accused unlawfully assembled and inflicted multiple injuries to Anil and Navrattan and fatal injuries to Narsi Kashyap and Jagmohan. She submits that material witnesses are yet to be examined, if the petitioner is enlarged on bail, there is every chance of their influencing the witnesses.

[6] Mere custody period cannot be sole consideration for granting bail. Two persons lost their lives in the alleged incident. There are eye-witnesses to the incident who are yet to be examined. Petitioner was specifically named in the FIR. Considering the facts and circumstances in totality as well as nature and seriousness of allegations, no case is made out for grant of bail.

[7] The petition is dismissed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

3rd November, 2021

pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |