

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

CRM-M-21146-2021

DECIDED ON: 14th September, 2021

Vikas

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Chand Ram Olla, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.73 dated 26.5.2018 under Sections 147, 148, 149, 302 IPC (323, 324, 326, 452, 427 IPC and Section 25 of the Arms Act, 1959 were added later on) registered at Police Station Bass, District Hisar.

The FIR was registered at the statement of Vikram Kumar. The allegations are that on 25.5.2018, there was a scuffle between the complainant and his neighbour Sinu @ Suresh who are related to each other. The incident flared up, Ramesh armed with Kulhara, Sinu @ Suresh armed with Sword, Satbir armed with Lathi, Rajeram armed with Lathi, Naseeb and Somveer armed with Lathi attacked the complainant and Sunil (deceased). As per the allegations in the FIR, Sinu @ Suresh gave a sword blow to Sunil, Satbir and Rajeram caused injuries with lathi, Jai Bhagwan caused injuries with Kulhara and other co-accused also caused injuries. The complainant was

given Kulhara blow by Ramesh on the forehead. Vicky @ Vikas and Manoj caused injuries with brick. Sunil succumbed to the injuries. As per the post-mortem report the cause of death was:

"In our opinion the cause of death in this case is due to shock and haemorrhage which is due to multiple injuries which is sufficient to cause death in ordinary course of nature."

Learned counsel for the petitioner submits that it is a case of false implication. There are improvements made by the complainant in supplementary statement. As per the allegations in the FIR, the petitioner had given brick blows while in supplementary statement made on the next day the injuries attributed was of knife blow but during investigation a lathi was recovered. He relies upon the custody period stating that the petitioner is in custody since 1.6.2018. The submission is that the petitioner is not involved in any other case.

Learned State counsel opposes the prayer for grant of bail. She submits that it was accumulative effect of the injuries inflicted that the deceased lost his life. The petitioner was specifically named in the FIR. She further submits that trial is moving at a decent pace, fifteen prosecution witnesses have already been examined and an earnest effort would be made to examine the remaining twelve witnesses by 15.12.2021.

The contradiction in allegation pointed out by learned counsel for the petitioner would be subject matter of trial. As per the allegations all the accused came together and inflicted injuries to the deceased. Apart from allegations under Section 302, Sections 148 and 149 are invoked. At this stage it would not be appropriate for this Court to single out the injuries and the role of each of the accused.

In view of the statement made by learned State counsel that an effort would be made to conclude the prosecution evidence by 15.12.2021, no case is made out at this stage for grant of bail.

Dismissed.

14th September, 2021

reema

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *No*