

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22023 of 2021
Date of Decision: July 28, 2021

Shamsher Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amarjit Singh Virk, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.405 dated 17.09.2020, under Sections 148, 149, 323, 307, 302, 120-B and 34 IPC, 1860, registered at Police Station, Kurukshetra University Kurukshetra, District Kurukshetra. The petitioner is in custody since his arrest on 18.09.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Kurukshetra in para 2 of his order dated 28.04.2021, are as under:-

“In brief, the facts are that present case has been registered on the complaint made by complainant Harpreet Singh son of Gurnam Singh, resident of Village Barna, Police Station, Kurukshetra University, Kurukshetra, District Kurukshetra, alleging therein that “the present has been registered on the statement made by Harpreet Singh to the effect that on 16.09.2020 at 8.00 p.m. he went to the house of his friend Sandeep Kumar son of Shri Madan Lal, resident of Kamoda on his Splendor motorcycle bearing registration no.HR-01AF-

2238. At 8.20 p.m., he and Sandeep reached at Sector 17, Kurukshetra on his bike where they met with their friends namely Chitrangand, Ashishand Abhishek who were already present there. In the meantime, Gagan son of Birbal resident of Ramgarh, Sahil resident of Amit and 5-6 unknown boys came there in a Swift car, who have enmity with him and others. Fight took place between him and Gagan etc. then he and his friend ran away from there on their motorcycles to save their life. When he and Sandeep reached near LNJP hospital, Kurukshetra, Shamsheer tried to stop them but they did not stop. When he and Sandeep reached near Balmiki Chowk, a Swift car in which Gagan and other were sitting hit them from behind with intention to kill them. Sandeep Kumar fell down on the road and he was crushed by an unknown truck. After that he made telephone call to his friend Chitrangand, who after receiving his phone came there alongwith Abhishek. They saw that Sandeep Kumar had died at the spot. After that Chitrangand called Ambulance by making telephone call and he was shifted to LNJP, KKR for his treatment. In the meanwhile assailants ran away from the spot. He requested that legal action may kindly be taken against the assailants.”

Learned counsel for the petitioner contends that as per prosecution, complainant Harpreet Singh and victim Sandeep Kumar had some altercation with co-accused Gagan, Sahil and others and when they were going on a motorcycle, the vehicle driven by Gagan struck against them and as a result of that, Sandeep Kumar fell down, who was run over by a truck coming from behind resulting his death. He submits that the petitioner has been attributed the role of sending intimation to his co-accused regarding the location of complainant Harpreet Singh and victim Sandeep Kumar. According to him, the victims as well as the other co-accused were in different vehicles and the case of the petitioner is

distinguishable from the other co-accused. He submits that the investigation of the case is complete and the challan has been filed on 16.12.2020, therefore, his further custody may not be necessary and prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Naresh Kumar, on the ground that the petitioner actively participated in the alleged commission of crime and shared his common intention with the accused persons. He, on instructions, further submits that the case is coming up for framing of charges before the trial court tomorrow.

After hearing the learned counsel for the parties and considering the custody period of the petitioner, this Court finds that though the investigation is complete, but the charges are yet to be framed, therefore, the possibility of conclusion of trial in near future does not seem to be possible, thus, the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 18.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Kurukshetra.

July 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No