

In virtual Court

CRM-M-22332-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22332-2021 (O&M)
Date of decision: 12.07.2021

Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.04 dated 05.01.2018 under Sections 148, 149, 302, 307, 323, 324, 325, 326, 506 (II) IPC, registered at Police Station Julana, District Jind.

Learned counsel for the petitioner submits that the FIR was registered on the statement of complainant Baljeet that his neighbour Deepak has enticed away Kusum, wife of his youngest son Lalit and thereafter, a compromise was effected in Panchayat. On 04.01.2018, Banty son of Sanjeev @ Pappu, Sanjeev @ Pappu son of Ved Parkash, Sanjay, Sushil @ Kuka sons of Ved Parkash, Kaju @ Rahul son of Pinki @ Krishan, Pinki @ Krishan son of Ved Parkash, Ajay son of Pinki @ Krishan and Toni son of Goga with common

object, carrying arms i.e. knives, swords, iron rods and wooden bats started beating his son Sumit and Sachin. When the complainant and his son intervened, then Rahul son of Krishan @ Pinki gave two knife blows, Banty gave iron rod blow and other accused gave fist blows and slaps.

Learned counsel for the petitioner has further submitted that the petitioner was arrested and was granted the concession of regular bail by the Additional Sessions Judge on 09.04.2018, noticing the fact that as per statement of the injured person recorded under Section 161 Cr.P.C., no injury is attributed to the present petitioner, whereas specific injuries were attributed to co-accused. It is also submitted that the incident occurred on 04.01.2018 and complainant Baljeet died on 11.11.2018 and thereafter, the police added Section 302 IPC and re-arrested the petitioner on 18.05.2019. It is thus submitted that it will be a matter of trial whether death of Baljeet, who died after about 10 months of the occurrence, was due to aggravation of injuries sustained by him in the incident or not.

It is further submitted that the petitioner is in custody for the last about 02 years and 04 months and is not involved in any other case. It is next submitted that after recording statement of the complainant, an application under Section 319 Cr.P.C. was moved and the same was allowed and some more persons were summoned as additional accused and on that account, the trial is delayed and even the persons, who were summoned as additional accused, have already been released on bail.

Learned State counsel has filed the custody certificate dated

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09.07.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner was earlier granted the concession of regular bail, noticing the fact that no injury is attributed to him and also in view of the fact that he is in custody for the last 02 years, 04 months and 22 days and is not involved in any other 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.

**[ARVIND SINGH SANGWAN]
JUDGE**

12.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No