

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M-22428 of 2021 (O&M)

Anil Kumar
... Petitioner(s)

Versus

State of Haryana
... Respondent(s)

AND

2. Criminal Misc. No. M-48775 of 2021 (O&M)

Sachin
... Petitioner(s)

Versus

State of Haryana
... Respondent(s)

DATE OF DECISION: 20.12.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Deepanshu Matya, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate General,
Haryana, for the respondent.

Mr. R.N.Lohan, Advocate
for the complainant.

Anil Kshetarpal, J.

CRM-43290-2021 IN CRM-M-22428-2021

1. The application is allowed, as prayed for. The accompanying documents are taken on record as Annexure A-4 and A-5, respectively.

CRM-43294-2021 IN CRM-M-22428-2021

The application is allowed, as prayed for. The exemption is

granted from filing of the certified/true copies of the documents (Annexure A-4 & A-5), respectively.

CRM-43286-2021 IN CRM-M-48775-2021

3. The application is allowed, as prayed for. The accompanying documents are taken on record as Annexure P-7 and P-8, respectively.

CRM-43287-2021 IN CRM-M-48775-2021

4. The application is allowed, as prayed for. The exemption is granted from filing of the certified/true copies of the documents (Annexure P-7 & P-8), respectively.

CRM-M-22428-2021 AND CRM-M-48775-2021

5. By this order, the Criminal Misc. No. 22428 and 48775 of 2021 shall stand disposed of.

6. The petitioners (Anil Kumar and Sachin) pray for grant of regular bail pending trial in FIR No. 140 dated 27.02.2020, registered under Section 302 & 34 IPC, at Police Station Assandh, District Karnal.

7. These are the second petitions, filed by the petitioners, for granting them regular bail. As per the case of the prosecution, in a marriage program, the various persons were dancing on the music played by the Disc Jockey and during that period, there occurred verbal altercation between the deceased Anil and the accused Anil alias Bundhi and Sachin. As a result of the sudden fight, the organizers directed the Disc Jockey to stop playing the music and everyone went home. It is alleged that Anil alias Bundhi called the deceased (Anil) from his residence and took him to an isolated place, where he was given the fatal knife blow by Sachin.

years of age, whereas Anil Kumar alias Bundhi (the petitioner in CRM-M-22428-2021) is stated to be 30 years old at the time of the incident. They do not have any criminal antecedents.

9. The learned counsel representing the petitioners has pointed out that PW.3 Surrender, Disc Jockey, has stated that in fact, no verbal altercation took place in his presence. The evidence of Sunil Kumar (the first informant and brother of the deceased) has also been recorded. It is alleged to have improvised the case of the prosecution. The petitioners have already suffered incarceration for a period of 1 year & 9 months each. The conclusion of the trial is likely to take time.

10. Keeping in view the aforesaid facts, it is considered appropriate to direct that the petitioners be released on regular bail. Hence, both the petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Area Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

December 20, 2021
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No