

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.23609 of 2021

Date of Decision: November 23, 2021

Anil @ Dhill

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Aayush Gupta, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, 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.487 dated 30.12.2020, under Sections 148, 149, 302, 323, 324, 341 IPC, 1860 and Section 201 IPC (added later on), registered at Police Station, Civil Line Jind, District Jind, who is in custody since his arrest on 18.01.2021.

The above FIR was registered on the statement of complainant Sultan, who stated that he has two children, one boy and a girl. His son Naveen Singh, aged nineteen years went to City Jind from his village. He received information that Naveen Singh, Jitender and Parveen got injured at bus stand and they have been admitted in General Hospital, Jind, whereupon he along with Raj Karan and Kulbir, went to the hospital and found that his son Naveen Singh has been declared dead by the doctor because of injuries suffered by him during fight and the treatment of Jitender and Parveen was going on. On inquiry, he came to know that Kiran daughter of Rajender was being harassed by Ashish, Ajay and Badal along with 4-5 unidentified boys.

When Naveen Singh, Parveen and Jitender tried to stop them, then they with their common intention attacked with knives and one of the knife hit the chest of Naveen Singh. Jitender and Parveen also suffered injuries. Naveen Singh, Jitender and Parveen were taken to General Hospital, Jind where Naveen Singh was declared dead. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the above FIR was lodged by father of the deceased on the basis of hear-say information and he was not the eye witness to the said occurrence. Learned counsel has further argued that the complainant has given the names of co-accused Ashish, Ajay and Badal, who caused injuries upon the victim and other injured witnesses alongwith their unknown accomplices, and as per prosecution, the petitioner has not been attributed any role, much less causing any injury either to the deceased or the other injured witnesses and even the statements of Parveen and Jitender recorded under Section 161 Cr.P.C. have stated that petitioner had given slaps to them. He prays for bail.

On the other hand, learned State counsel, assisted by SI Balbir Singh, while opposing the prayer, has argued that the petitioner was part of the unlawful assembly, who participated in the crime, but does not dispute this fact that as per prosecution case, the petitioner did not cause any injury to the deceased. He, on instructions, further states that the final report was filed on 19.03.2021, however, the charges are yet to be framed.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude, the further detention of the

petitioner behind the bars may not be necessary for any useful purpose. The material witnesses in this case are either close relatives of the victim, injured witnesses or the police officials and at present there does not seem to be any possibility of their being won over.

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, Jind.

November 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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