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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DECIDED ON: 21st JANUARY, 2021

1. CRM-M-21969-2020

SARWAN @ SANHA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

AND

2. CRM-M-25774-2020

DAVENDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ramesh Hooda, Advocate
for the petitioner in CRM-M-21969-2020.

Mr. Rajesh K.Kataria, Advocate
for the petitioner in CRM-M-25774-2020

Ms. Mahima Yashpal, DAG Haryana.

Ms. Neha Rana, Advocate
for the complainant in both the cases

AVNEESH JHINGAN, J (ORAL)

These matters are being taken up for hearing through video
conference due to COVID-19 situation.

These two petitions i.e. CRM-M-21969-2020 and CRM-M-25774-2020 are filed by Sarwan @ Sanha and Davender, respectively, seeking regular bail in case FIR No. 521, dated 05.11.2019, under Sections 148, 149, 302, 323, 452, 354, 506-A of the Indian Penal Code, 1860 registered at Police Station Safidon, District Jind.

The FIR was at the instance of Kapil. It was stated that on 03.11.2019 about 8/8.30 PM, he along with his father was present at home and Jai Karan armed with *Gandasi*, Roshan having Sickle and Sanjay having danda entered their house. Jai Karan and Roshan gave *gandasi* and sickle blows on the head of his father. Sanjay dragged his father, outside the house. When the complainant tried to rescue his father Sajay gave *danda* blow to him. During the treatment, father of the complainant died on 10.11.2019.

Learned counsel for the petitioners submits that no specific injuries have been attributed to the petitioners either in the FIR or in the statements recorded under Section 161 Cr.P.C. of Major, Karambir Singh and of eye-witness Sunita. He relies upon MLR and postmortem report to submit that there is one head injury and other five injuries are abrasion and contusion. The cause of the death is mentioned as craniocerebral injury and complications caused by blunt force impact to the head. It is further submitted that there are 24 prosecution witnesses and till date not even one has been examined. The petitioners are in custody since 16.11.2019.

Learned counsel for the State relies upon the affidavit dated 20.10.2020 of Sh. Jitender Kumar, Deputy Superintendent of Police, Jind, District Jind. It is submitted that as per the directions of this Court,

the matter was re-investigated under the supervision of Inspector General and the investigation done by IO- Chhattarpal Singh was found correct. During the re-investigation, it was found that Jai Karan was not present on the spot at the time of the alleged incident, 11 other accused were found innocent. Further no specific injury is attributed to the petitioners.

Considering the custody period; the trial is likely to take time; there are no specific injuries attributed to the petitioners and out of 17 accused, 11 have been found innocent, the petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

Before concluding, it would be necessary to note that this Court on 08.09.2020 in CRM-M-25774-2020, ordered that till completion of re-investigation, Inspector Chattarpal Singh shall not be entrusted with any other investigation. Considering that the investigation done by him has been upheld, there is no occasion for the said directions to continue.

21st JANUARY, 2021
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes*