

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27081-2021 (O&M)
Date of Decision:-7.12.2021

Sunder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Chawla, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Vedpal.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0168 dated 13.06.2020 at Police Station Hansi Sadar, District Hansi, Haryana under Section 147/148/149/302 of Indian Penal Code, wherein offence under Section 120-B IPC was added later on.
2. The FIR in question was lodged at the instance of Rajesh Kumar, wherein it is alleged that about 4 months back, Mandeep and Amit had entered into an altercation with his brothers and had given beatings to his brother Suresh, but the matter was subsequently compromised. However, Amit and Mandeep had

been threatening his brother that they will not spare him. It is alleged that on 12.06.2020 at about 8:30 PM, he along with his brother Suresh went towards their fields after having meals. While on the way, they saw Mandeep, Amit, Bhagta son of Rajinder, Bhupender @ Kali son of Rajinder and Sunil accompanied by 2-3 other boys, who were inebriated and were carrying rods, sticks and axes in their hands. While the complainant's brother stayed in the fields situated near the village, the complainant proceeded towards their other fields which are about 10-12 killas away and slept there. On the next day, when the complainant came to their fields near the village, he saw the dead body of his brother lying there on a cot, which bore several injuries on his head and feet and there was blood all around. The complainant suspected that Mandeep, Amit, Bhagta, Kali, Sunil and 2-3 other boys had murdered his brother.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and that since an identically situated co-accused namely Bhagat Singh @ Bhagtu has already been granted bail, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that the petitioner was nominated as an accused after 2 days of lodging of the FIR on the basis of a supplementary statement of the complainant recorded on 15.6.2020, wherein the complainant specifically stated that the petitioner was also amongst the other persons seen by him on 12.6.2020 and that the petitioner was carrying a stick and that, in these circumstances, his complicity is clearly evident. Learned State counsel has further submitted that the petitioner cannot claim any parity with co-accused Bhagat Singh @ Bhagtu, who has

been granted bail, as he was nominated on the basis of disclosure statement of co-accused and is attributed fist blows only. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1½ years and that the petitioner is not involved in any other case and till date only 2 out of the cited 26 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR, wherein 5 accused have been specifically named. The petitioner came to be nominated after 2 days of lodging of the FIR on the basis of supplementary statement. The petitioner, in any case, has been behind bars for a substantial period of 1½ years and is not stated to be involved in any other case. Conclusion of trial is likely to consume time as only 2 out of the cited 26 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.12.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No