

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-28874-2021
Date of decision: 30.07.2021

Sharwan Pundir and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Mamli, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.19 dated 12.01.2021, registered under Sections 148, 149, 323, 341, 379-B, 506 of the IPC (Sections 325, 120-B and 201 of the IPC added later on) registered at Police Station Indri, District Karnal.

Learned counsel for the petitioners relies upon order dated 29.06.2021 passed in CRM-M-23057-2021, vide which co-accused Mohit has already been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Amit Kumar, it is stated that he is working as a

JBT Teacher in a government school and on 11.01.2021, when he was returning home on his motorcycle, he was way-laid by 05 boys on 03 motorcycles from the back side. Thereafter, 02 boys stood at a distance whereas 03 boys started giving beatings on his legs and arms with dandas and they have broken both of his legs and arms by inflicting danda blow. Thereafter, 02 boys standing nearby also gave beatings to him and while leaving the place of occurrence, they took out his chain and rings. Later on, the victim informed his brother Pardeep about the incident, who took him to a private hospital.

Counsel for the petitioner has argued that later on, the police recorded the statement of the victim Amit Kumar, who has stated that he has come to know that the injuries were caused to him on the asking of Rajinder, brother-in-law of late brother Sanjeev, Karan Singh, father-in-law and Kela Devi, mother-in-law. It is further stated in the statement that all the accused who are from the in-laws family of his deceased brother Sanjeev had been putting pressure on him to get married to Neelam, widow of his brother Sanjeev Kumar but he refused. Due to this reason, Neelam and her family members kept grudge and on 26.12.2020, Neelam committed suicide by swallowing some poisonous substance.

Counsel for the petitioner has further argued that after the arrest of the petitioner, his own disclosure statement was recorded in which it is stated that he has done recce of the movement of the victim Amit Kumar and has given information to the main accused persons, who caused injuries to the victim. It is also submitted that apart from this, there is no evidence that the petitioner was member of the unlawful assembly which caused injuries to Amit Kumar. Lastly, it is submitted that the petitioner is in custody for the last more than 04

months and he is no more required for further custodial investigation.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the police has earlier added Sections 307 and 120-B IPC and later on, Section 307 IPC was deleted on the basis of the medical opinion.

Counsel for the State has also submitted that the victim was given multiple injuries which resulted into fractures on his arms and legs. Counsel for the State could not dispute that the primary allegations against the petitioner are that he has given information to the main accused persons about the movement of the victim Amit Kumar.”

For the sake of brevity, the facts are not reproduced here again.

Learned counsel for the petitioners further submits that the present petitioners are the distant relatives of the main accused and they have been falsely implicated in this case and they are not involved in any other case.

Learned State counsel has filed the custody certificate, as per which, the petitioners are in judicial custody for the last about 05 months and 05 days. Learned State counsel further submits that challan already stands presented, however, charges are not framed so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioners are in judicial custody for the last about 05 months 05 days; they are not involved in any other case and also in view of the fact that co-accused of the petitioners has already been granted

concession of regular bail as noticed above, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

30.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes