

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.28787 of 2021

Date of Decision: August 02, 2021

Subhash @ Nanha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Nain, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Raman Chawla, Advocate,
for the complainant.

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.322 dated 12.10.2020, under Section 147, 149, 323, 427, 506 IPC, 1860 and Section 302 IPC (added later on), registered at Police Station Uchana, District Jind, who is in custody since his arrest on 07.03.2021.

The allegations contained in the FIR, as noticed by the Addl. Sessions Judge, Jind in the order dated 16.07.2021, are as under:-

“The allegations against the applicant-accused are that on 11.10.2020 at about 9.30 PM in the area of village Kakrod, within the jurisdiction of Police Station Uchana, applicant/accused along with other co-accused duly armed with deadly weapons i.e. rod etc. formed an unlawful assembly

and in prosecution of common object of such unlawful assembly voluntarily caused hurt to Sanjay and Smt. Bimla Devi and also caused injury to deceased Mohan Lal due to which he expired on 19.10.2020. They also committed mischief by causing damage to the Motorcycle, which was parked in the house of the complainant. Further, they have also criminally intimidated the complainant party by threatening them to kill.”

Learned counsel for the petitioner contends that the petitioner was driving the vehicle in which other assailants had come to the house of Mohan Lal and committed the alleged crime. He submits that the occurrence took place because of the matrimonial dispute between Sanjay and Reena and in the said occurrence, victim Mohan Lal had died as a result of injuries caused by co-accused Tarsem. It is pointed out that the other co-accused of the petitioner have already been released on regular bail, therefore, the petitioner also deserves the similar concession.

On the other hand, learned State counsel assisted by SI Ravinder Kumar, opposes the prayer for bail and submits that the petitioner brought the other assailants and was present at the time of occurrence.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 07.03.2021. Further, the trial is yet to commence and it may take considerable time to conclude the trial.

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/Duty Magistrate,
Jind.

August 02, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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