

CRM-M-31896-2021 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Decided on: December 15, 2021.

(1)

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RAJESH @ CHUGLI

.. Petitioner

VERSUS

STATE OF HARYANA

.. Respondent

*** * ***

(2)

CRM-M-40451-2021 (O&M).

HANUMAN

.. Petitioner

VERSUS

STATE OF HARYANA

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mr.Sushil Kumar Verma, Advocate,
for the petitioner IN CRM-M-31896-2021.**

**Mr.Kartar Singh, Advocate,
for the petitioner IN CRM-M-40451-2021.**

Mr.Naveen Singh Panwar, DAG, Haryana.

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JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted two petitions filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR No.67 dated 20.4.2021, under Sections 120-B, 323, 34, 341, 365 and 506 IPC (Section 120-B IPC deleted and Sections 325 and 367 IPC added later on), registered at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for both the petitioners have submitted that as per the allegations against the petitioners, complainant Sushil Kumar was allegedly called on phone by Hanuman and thereafter, present petitioners along with other co-accused took him in a vehicle and allegedly beatings were given to Sushil Kumar. Learned counsel have further submitted that both petitioners Rajesh @ Chugli is in custody since 28.5.2021 and petitioner Hanuman is in custody since 27.5.2021 and the investigation of the case is already complete and all the material witnesses have been examined. It is further submitted that both the petitioners are young boys and are not involved in any other case. It is further submitted that in fact the present FIR was lodged against the petitioners after a delay of two days only to settle earlier score by the complainant with the brother of petitioner Rajesh @ Chugli namely Vinod @ Fauji. They have submitted that be that as it may in view of the fact that all the material witnesses have been examined and both the petitioners have clear antecedents, they may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted

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that so far as custody period of the petitioners is concerned, the same is correct and it is also correct that the petitioners are not involved in any other case. He has further submitted that the complainant Sushil Kumar has died and it is correct that all the material witnesses have been examined. However, he has opposed the grant of regular bail on the ground that the matter involves taking the complainant Sushil Kumar in a car and beatings were also given to him by the petitioners.

I have heard the learned counsel for the parties.

On 12.10.2021, this Court had directed that let the material witnesses be examined prior to the next date fixed before this Court. A report has been received from the District and Sessions Judge, Fatehabad, in which it has been stated that all the material witnesses have been examined and only official witnesses remain to be examined in the present case and complainant Sushil Kumar has been given up in view of the fact that he has died. The custody period of the petitioners is not in dispute and it is also not disputed that the petitioners are not involved in any other case and all the material witnesses have been examined.

Considering the totality of circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners. Accordingly, both the petitions are allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only

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for the purpose of decision of present petition.

Pending misc. applications, if any, shall also stand disposed of accordingly.

December 15, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No