

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

(1) **CRM-M-26692-2020(O&M)**

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

(2) **CRM-M-30122-2020(O&M)**

Dinesh @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-15.9.2021

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Tejinder Pal Singh, Advocate
for the petitioner in **CRM-M-26692-2020**.

Mr.Aman Pal, Advocate
for the petitioner in **CRM-M-30122-2020**.

Ms.Shubhra Singh, Addl. A.G., Haryana.

Mr.Sukhdeep Singh, Advocate
for the complainant.

H.S. MADAAN, J.

Cases taken up through video conferencing.

By this order, I intend to dispose of two petitions i.e. **CRM-M-26692-2020** filed by petitioner Parveen and **CRM-M-30122-2020** filed by petitioner Dinesh @ Monu, who are accused in FIR No. 150

dated 25.6.2019, under Sections 302, 201, 202, 203, 34 IPC and Section 25 of Arms Act (charges framed under Sections 148, 149, 302, 120-B, 201, 202, 203 IPC and Section 25 of Arms Act), registered with Police Station Israna, District Panipat for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are that criminal machinery in this case was set into motion by complainant Sonu son of Rajender, resident of village Karela, District Jind, who in the written complaint submitted by him to the police stated that they were three brothers, eldest being Satish, younger to him Surrender followed by the complainant; Surrender aged about 28 years was married having three daughters; on 21.6.2019 at about 6:00 p.m. Sonu son of Jai Bhagwan, Pardeep son of Ram Mehar, Parveen son of Randhir (petitioner in CRM-M-26692-2020), Dinesh @ Monu (petitioner in CRM-M-30122-2020) and Surrender son of Mahabir, all residents of village Karela accompanied by Surrender brother of complainant had gone to Haridwar to pay obeisance in a a car make EON bearing registration No.HR-31-L-8628; on the intervening night of 24/25.6.2019 while returning from Haridwar, they halted at Shiv Dhaba, Shahpur to have dinner; they had a quarrel over there in which Surrender alias Tinu gave knife blows to Surrender on his forehead and left side of chest, whereas remaining accused had caught hold of deceased Surrender; after suffering injuries, Surrender was removed to Civil Hospital, Gohana; the persons accompanying him did not inform the hospital regarding name and address of the victim as well as their own names and addresses; they damaged the EON car with the help of bricks so as to present it as a case of road side accident.

On such written complaint by Sonu, formal FIR was registered. The investigation in the case started. Accused Surender @ Tinu was arrested in this case on 27.6.2019. During the course of interrogation, he disclosed that in a quarrel, which had taken place between him and deceased Surender towards the other side of the road divider, he had stabbed Surender. He did not attributed any other role to any of his co-accused. Dinesh alias Monu on being interrogated had also given such version. Accused Surender @ Tinu while in police custody had got the knife used in the incident recovered from his possession. After completion of investigation and other formalities, challan against the accused is said to have been filed. Charge against the accused has since been framed. However, no PW is said to have been examined by the prosecution so far. The petitioners/accused had approached the Court of Sessions at Panipat seeking regular bail but were unsuccessful, as such, they have approached this Court craving for grant of similar relief, which prayer is being opposed by the State counsel as well as counsel for the complainant.

It may be mentioned here that petitioner/accused Dinesh @ Monu had come to this Court on an earlier occasion also asking for grant of bail, which he could not get. Therefore, this is second petition filed by him praying for being released on regular bail.

I have heard learned counsel for the parties besides going through the record.

PW Sunil, who is said to have seen the incident as per prosecution version has statedly been given up by the State counsel. As

per the allegations in the FIR the knife blows had been given to deceased by accused Surender @ Tinu, whereas the other co-accused had caught hold of the victim but from the confessional statements of accused Surender @ Tinu and petitioner/accused Dinesh @ Monu recorded during the investigation by the police, copies of which have been placed on record, the allegations are with regard to Surender @ Tinu having stabbed the victim and there is nothing to show that the remaining accused had caught hold of the victim while he was being stabbed by Surender @ Tinu. It was accused Surender @ Tinu, who had got the knife used in the incident recovered from his possession. There does not come out to be active involvement of the present petitioners/accused in the incident. The petitioners/accused are in custody since 27.6.2019 i.e. for a period of more than two years and two months. Though there are allegations against the petitioners/accused of making an attempt to cover up the matter and project it as a case of road side accident but then for the heinous crime of murder that is attributed to accused Surender @ Tinu. Of course proceedings in the Courts have been adversely effected arising out of extraordinary situation on account of outbreak of Covid-19. The guilt of the accused shall be determined during the trial, the conclusion of which is likely to take considerable time. Both the petitioners/accused are not shown to be involved in any other criminal case. Therefore, I find it proper and appropriate to grant concession of regular bail to the petitioners during the pendency of the trial.

Accordingly, the petitions are allowed. The petitioners are ordered to be released on bail in this case during the pendency of the trial,

subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Panipat, on following conditions:

- (i) they shall appear in the Court on each and every date of hearing;
- (ii) they shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) they shall not leave India without prior permission of the Court.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

15.9.2021
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No