

224

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32603-2021 (O&M)
Date of Decision: 18.08.2021

Rajnish

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG Haryana.

...

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.405 dated 17.09.2020, under Sections 148, 149, 302, 307 and 323 IPC, 1860, registered at Police Station, Kurukshetra University, District Kurukshetra. The petitioner is in custody since his arrest on 20.12.2020.

The FIR was registered on the basis of complaint given by Harpreet Singh and the allegations as noticed by the Addl. Sessions Judge, Kurukshetra in the order dated 03.08.2021 are as under:

“In brief, the facts are that present case has been registered on the complaint made by complainant Harpreet Singh son of Gurnam Singh, resident of Village Barna, Police Station, Kurukshetra University, Kurukshetra, District Kurukshetra, alleging therein that “he is resident of the above mentioned address and is agriculturist by profession; that on 16.09.2020 at 8.00 p.m. he went to the house of his friend Sandeep Kumar son of Shri Madan Lal resident of Kamoda on his Splendor motorcycle bearing registration No.HR-01AF-2238 that at 8.20 p.m., he and Sandeep reached at Sector-17, Kurukshetra on his bike where they met Chitrangand son of Sh. Sanjeev Kumar, Ashish son of Lakhmi Chand, both residents of Laxaman Colony, Kurukshetra and Abhishek son of Surender Kumar, resident of Azad Nagar, Kurukshetra, who were already present there; thereafter, they along with above said

persons went to a cart and ate Chap etc. In the mean time, Gagan son of Birbal resident of Raogarh, Sahil son of not known, resident of Amin along with 5-6 unknown boys came there in a Swift car, who have enmity with him and others and they started arguing with them on account of that old grudge and a scuffle took place with them and thereafter, they left the spot on their motor-cycle by saving their lives; that he was driving his motor-cycle and Sandeep Kumar was pillion rider and when they reached at the chowk of LNJP hospital, Kurukshetra on their motor-cycle, via Braham sarover and Dead House of LNJP and in the side of Railway crossing, Shamsher Singh son of Rajkaran, resident of Raogarh, was already present while keeping his motor-cycle aside and he tried to stop them, but they did not stop, he thrown stone upon them because he was also their associate; that when he and Sandeep reached near Balmiki Chowk after turning back from the chowk of LNJP, Kurukshetra, then Shamsher Singh shouted the passengers of car coming behind them that they are going there; that when they reached at Balmiki Chhowk and his associates crossed over Balmiki chowk, then Gagan etc., then a Swift car in which Gagan and other were sitting, hit their motor-cycle from behind with intention to kill them. Due to the struck, Sandeep Kumar, who was pillion rider on his motor-cycle, fell down in the middle of the road and the truck, going on the road, ran over his body. After that he made telephonic call to his friend Chitrangand, who came there alongwith Abhishek after receiving his phone. They saw that Sandeep Kumar had died at the spot. After that Chitrang and called Ambulance by making telephone call and he was shifted to LNJP, KKR for his treatment. In the meanwhile assailants ran away from the spot. He requested that legal action may kindly be taken against the assailants”

Learned counsel for the petitioner has argued that victim Sandeep Kumar was riding on two wheeler, when the car driven by his co-accused, namely, Hardeep Singh struck him from behind. According to him, the victim fell down from the motorcycle and was crushed under the truck coming from behind. He submits that the co-accused of the petitioner, namely, Shamsher Singh has already been released on bail vide order dated 28.07.2021, therefore, the petitioner also deserves the similar concession, as the investigation of the case is complete.

Learned State counsel, on instructions from ASI Naresh Kumar,

from the petitioner, as the petitioner was travelling in the same car, which struck the motorcycle from behind and it was Shamsheer Singh, who had given the information to the co-accused about the location of the victims. According to him, though the investigation of the case is complete, but the charges are yet to be framed.

After hearing the learned counsel for the parties and considering the custody period of the petitioner, this Court finds that though the investigation is complete, but the charges are yet to be framed, therefore, the possibility of conclusion of trial in near future does not seem to be possible, thus, 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 20.12.2020.

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/CJM/Duty Magistrate, Kurukshetra.

18.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No