

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-33579-2021**

DATE OF DECISION: NOVEMBER 10, 2021

AKSHAY @ ASHU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

2. **CRM-M-33723-2021**

PAWAN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMAN PAL, ADVOCATE
FOR MS. SUMAN KUMARI, ADVOCATE
FOR THE PETITIONER IN CRM-M-33579-2021.

MR. SUBE S. KAUSHIK, ADVOCATE
FOR THE PETITIONER IN CRM-M-33723-2021.

MR. BHUPENDER SINGH, DAG, HARYANA.

MR. RAMAN CHAWLA, ADVOCATE
FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed their respective petitions 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 (Section 302 IPC added later on), Police Station Uchana, District Jind, who are in custody since their arrest on 27.5.2021 and 8.11.2020, respectively.

The allegations contained in the FIR as noticed by the Addl.

Sessions Judge, Jind in the order dated 10.8.2021, are as under:-

“As per the prosecution case, 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 complainant. Further, they have also criminally intimidated the complainant party by threatening them to kill. ”

Learned counsel for the petitioners have argued that victim Mohan Lal died of the blow given by accused Tarsem and the petitioners, as per the prosecution, had caused injuries to the other witnesses. They have further pointed out that similarly situated co-accused, namely, Kamla, Sandeep and Pardeep have already been released on bail, therefore, the petitioners be also granted the similar concession.

The prayer is opposed by learned counsel for the complainant who has argued that the petitioners were very much present at the spot and participated in the crime.

On the other hand, learned counsel for the State assisted by Inspector Somvir has fairly stated that the case of the petitioners is at par with the other co-accused who have already been released on bail.

Considering the above background, the custody of the

petitioners and the fact that the case of the petitioners is at par with the similarly situated co-accused who have already been released on regular bail, this Court is of the opinion that further detention of the petitioners behind the bars may not be necessary for any useful purpose who are presently confined in judicial custody after their arrest on 27.5.2021 and 8.11.2020, respectively, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

November 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No