

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-30646-2021 in/and
CRM-M-37029-2021 (O&M)
Date of decision:24.9.2021

Mohit @ Bhuriya

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-30646-2021

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 2.2.2022 and is taken on board today.

CRM-M-37029-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.834 dated 10.8.2019 at Police Station Thanesar City, District Kurukshetra under Sections 148, 149, 302,

452 of Indian Penal Code, wherein offences under Sections 120-B and 212 of Indian Penal Code were added later on.

2. The FIR was lodged at the instance of Manoj Kumar, wherein it is alleged that on 9.8.2019 Mohit passed some remarks in respect of cousin sister of Rakesh leading to an altercation between them. The petitioners Mandeep and Bhinder @ Sukhwinder supported Mohit but one Yogesh intervened and separated them. It is alleged that later at about 1:30 p.m. Mandeep, Binder @ Sukhwinder and Mohit (petitioner) accompanied by 4-5 unknown boys entered into the room of the deceased while being armed with sticks and 'gandasas' and attacked Rakesh, who sustained injuries and ultimately succumbed to his injuries.
3. Learned counsel for the petitioner has submitted that even if the allegations as alleged are taken to be correct, it is at best a case of a brawl amongst students, wherein injuries have been caused on non-vital parts. Learned counsel for the petitioner has submitted that as per the post mortem report, the following 5 injuries were found on the person of deceased :
 - “1. A deep gaping incised wound of size 5 cm X 2 cm X 4 cm at medial aspect of left arm, 3 cm downward from mid point of axillary cavity clear cut margin, obliquely placed as tail towards elbow joint, cut down blood vessels and nerves are exposed.
 2. Superficial incised wound of size 2X0.5 at left shoulder.
 3. A red abrasion of size 4X2.5 cm at upper part of left side of chest.
 4. A grazed abrasion of size 5X4 cm at right leg middle one third.
 5. A grazed abrasion at ventral aspect of g. and second toe of left foot.”

4. It has thus been submitted that since none of the injuries is on vital part of body, the deceased apparently seems to have expired on account of proper medical treatment not having been provided to him or on account of some negligence on the part of the doctors and that the same cannot be attributed to the petitioner.
5. Opposing the petition, learned State counsel has submitted that having regard to the manner in which the injuries have been caused with the help of sticks and '*gandasas*', the petitioner does not deserve any leniency in the matter particularly when he is specifically named in the FIR. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and 10 months. The learned State counsel has further informed that as on date out of the cited 30 PWs only 1 PW has been examined.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is specifically named in the FIR. However, having regard to the nature, number and seat of injuries, it will be debatable as to whether it is a case of murder or as to whether it would fall within the parameters of culpable homicide not amounting to murder particularly since none of the injuries is found to be on any vital part of the deceased and the cause of death has been opined to be on account of excessive bleeding, haemorrhage and shock. The petitioner is young a student and has been behind bars since a substantial period as recorded above. Conclusion of trial is likely to take substantial time as till date only 1 PW out of the cited 30 PWs has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on

regular bail on his furnishing bail bonds/surety bonds to the satisfaction of
learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No