

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

CRM-M-33114-2020 (O&M)
Date of Decision:-5.8.2021

Wazir Singh @ Monu Malik

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Naresh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-10296-2021

Application is allowed as prayed for subject to all just exceptions.

CRM-10298-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-3 to P-5.

CRM-M-33114-2020 (Main Case)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.211 dated 21.5.2019 at Police Station Kurukshetra University, District Kurukshetra under Sections 148/149/323/341/506/302/216 of Indian Penal Code.
2. The FIR was registered at the instance of Aditya Sharma wherein it is alleged that on 20.5.2019 he alongwith his friend Anish Bansal had gone to take their examination in Pharmacy Department, Kurukshetra University. After the examination, when he alongwith his friend Anish Bansal started back on their motorcycle, they were waylaid by Khushhal, who was accompanied by Gagan Gaba, Monu Malik @ Wazir Singh (petitioner), Rajesh Ajrawar, Mukesh Saini, Nitesh Chahal, Mayank Safidon and 3-4 other boys who were all armed with 'sticks', 'bindas' and 'rods'. Khushal gave a blow with 'binda' on the head of Anish and also caused injuries to the complainant. Gagan Gaba is also alleged to have given a blow with 'binda' on the arm as well as on the head of Anish. Monu Malik, Mukesh Saini, Rajesh Ajrawar, Nitesh Chahal and Mayank Safidon also gave fist blows to Anish and also to the complainant. The 3-4 unidentified boys also gave beatings to them. Anish who was seriously injured was taken to hospital but he ultimately expired after having been admitted in GMCH, Sector 32, Chandigarh.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that infact when the complainant stepped into the witness-box, he did not support the case of prosecution at all and was declared as hostile. Learned counsel, in this regard, has referred to the statement of PW-14 Aditya Sharma (complainant) which has been

annexed as Annexure P-4, which does show that the witness/complainant had been declared hostile.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the prime witness i.e. PW-14 Aditya Sharma (complainant) has resiled from his statement when he was examined during the proceedings of trial and while also noticing that three other co-accused i.e. Amandeep Singh, Gagan Gaba and Khushal @ Happy have already been granted bail, further detention of the petitioner, who has already been behind bars for a substantial period of more than 2 years, 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.

5.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No