

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.39016 of 2021
Date of Decision: September 27, 2021

Ram Saran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Vishavjit Virk, Advocate,
for the petitioner.

Mr. 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.118 dated 27.05.2020, under Sections 148, 149, 302, 323, 354-D and 452 IPC, 1860, registered at Police Station, Chhachhrauli, District Yamuna Nagar, who is in custody since his arrest on 09.06.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Yamuna Nagar in his order dated 05.03.2021, are as under:-

“The brief facts of the present case are that on 26.5.2020 a telephonic message was received in the police station regarding death of one female in some altercation between two communities. On this, complainant Kajal made a complaint alleging therein that on 26.5.2020 about 7.30 PM, she alongwith her Nanad Pooja had gone to answer the call of nature in their Bara, where Vishal, Vijay, Ravi, Rubi were

already present there. Pooja was remained outside. Meanwhile accused persons entered in the bara and they started pushing Pooja. When the complainant intervened they tore her clothes. They save themselves and reached at their house and narrated whole story to their family members. It is averred that when her family enquired from the family of above named persons, many people of Balmiki community gathered there and started pelting stones and bricks on the houses of Harijan community. Out of those accused, one was Rubi, Ram Saran, Mewa Ram, Vishal, Vijay Kumar, Ravi, Budh Ram, Naresh Kumar, Maya Devi, Abhi, Sorabh and Gaurav. In that incident, many persons received injuries. Mewa Ram and Vishal gave stone blow on the head of Sunita wife of Jaspal due to which she became unconscious. Blood started oozing out from the head of Sunita. Even then, the accused kept on throwing stones on their houses. Sunita was taken to Hospital, but she succumbed to the injuries...”

Learned senior counsel for the petitioner has argued that in all there were twelve accused involved in the above FIR, but after completion of investigation, only nine were sent to face trial as three were found innocent. He submits that the victim, namely, Sunita died of head injury allegedly suffered by her as a result of stone pelting by the accused and as per prosecution, the said injury was caused by co-accused, namely, Vishal. He submits that the other five co-accused, namely, Saurabh, Budh Ram @ Pardeep Kumar, Rubi, Gaurav @ Nirmal and Vijay Kumar, have already been granted the concession of regular bail vide orders dated 24.08.2021 and 27.08.2021 (Annexures P-5 and P-6), therefore, the petitioner, who is similarly situated, also deserves the concession of regular bail.

On the other hand, learned State counsel, assisted by SI Parveen Kumar, while opposing the prayer has argued that the petitioner

was involved in the alleged commission of an offence, however, it is not disputed that the co-accused have already been released on bail. He submits that the three co-accused, who were found innocent, have also been summoned under Section 319 Cr.P.C.

After hearing the learned counsel for the parties, considering the above background, custodial period of the petitioner and the fact that his co-accused have already been released on bail, this court is of the opinion that 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 09.06.2020, as the trial is yet to commence and it would take considerable time to conclude.

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, Yamuna Nagar.

September 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No