

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39697-2021 (O&M)

DATE OF DECISION: NOVEMBER 17, 2021

SAHIL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. G.S. SANDHU, ADVOCATE FOR THE PETITIONER.
MR. MANISH DADWAL, 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 17.9.2020, under Section 148, 149, 323, 307, 302, 120-B IPC, Police Station Kurukshetra University, Kurukshetra, who is in custody since his arrest on 2.6.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Kurukshetra, in the order dated 3.9.2021, are as under:-

“In brief, the facts are that present case has been registered on the complaint of a 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.; that 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 Chowk 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 Chitrangand 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 no specific role has been attributed to the petitioner as he was only a co-occupant of the car being driven by the co-accused Hardeep Singh. He submits that merely because the petitioner and his co-accused were known to each other, it cannot be said that the petitioner also shared common intention with the driver of the car. He has drawn the attention of this Court to the orders (Annexure P-5 and P-6) passed by this Court vide which similarly situated co-accused of the petitioner have already been released on regular bail and prays that the petitioner also deserves the said concession as the investigation of the case is complete.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Naresh Kumar, on the ground that the petitioner was the occupant of the car and participated in the crime. However, he has not disputed that the similarly situated co-accused of the petitioner have already been released on regular bail by this Court.

Considering the above background, custody of the petitioner, role attributed and the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this Court is of the

opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 2.6.2021, 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 petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 17, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No