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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45566-2021 (O&M)
Date of Decision: 22.11.2021

Naveen @ Chundha

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.0139 dated 13.03.2020 registered under Sections 323, 452, 506 and 34 IPC (Section 3 SC&ST (prevention of Atrocities) Act, 1989) at Police Station Gohana City, District Sonipat. The petitioner is in custody since his arrest on 29.12.2020.

The FIR was registered on the statement of complainant Ram Mehar and the allegations as noticed by the Id. Additional Sessions Judge, Sonipat in the order dated 15.07.2021 are as under:

“The brief facts of the prosecution case are that Ram Mehar son of Mauji Ram r/o village Khandrai presented a complaint against Andy son of Jaswant, Naveen @ Chundha son of Zile Singh, jats by caste. According to his complaint, his daughter was about to married on 15.03.2020 and the songs were being sung in connection with the marriage of his daughter. On 12.03.2020 at about 11.00 P.M. accused No.1 armed with Gandasa came to their house abused their female members and picked up a quarrel, taking them as to be of Chamar caste and insulted their sisters and daughters by using the words pertaining to their caste by saying Chamar dhedh and Kameen. Accused had hit his sister Krishana who was sitting in the chair, she had fallen down from the chair. Seeing the activities of the accused, the woman escaped and the

accused ran away on finding the opportunities. Even report to the police did not yield any fruit. After half an hour accused came armed with gandasa. The accused gave gandasa blow on the head of Sandeep on his intervention the accused picked up a quarrel with the complainant, he gave one or two danda blows in his self defence. The accused had fallen down in the nalli while running away. The police reached at the spot again. Accused and Sandeep were made to reach Civil Hospital, Gohana. Sandeep was referred to PGI due to his critical condition. It is prayed that the police protection be got for the complainants for holding the marriage function. On the basis of this complaint, case No.139 on 13.03.2020 u/s 323, 452, 506/34 IPC and section 3 SC /ST Act, P.S. City Gohana was registered. The investigation was carried out by DSP Virender, Gohana. On 13.03.2020 Sumit @ Andy died during treatment at PGIMS Rohtak and Sumit @ Andy is a complainant in case FIR No.138/2020. The investigation of the case was carried out by ASP Udey Singh of the instant case. During investigation, Naveen @ Chanda son of Zile Singh was arrested. Place of occurrence was got demarcated from him as per his disclosure statement. Injuries on the person of Sandeep son of Jai Bhagwan were found simple. The accused has been challaned. It is prayed that accused may not be released on bail.”

Learned counsel has argued that as per complainant, the co-

accused, namely, Andy came to his house on 12.03.2020 and picked up a fight with them and after hitting his sister Krishna, he went away, but after sometime, he returned back along with petitioner and caused injuries upon Sandeep. Learned counsel submits that there is no allegation against the petitioner regarding causing injuries to anyone and in the said occurrence, the complainant party had also given beatings to co-accused Andy, who died on the next day and a separate FIR No.138/2020 was also registered against the complainant and others. He submits that in the present case, the injuries suffered by the victim are simple in nature and as the investigation is complete, he be released on bail.

Learned State counsel assisted by ASI Sanjay has not disputed the factual aspect as narrated by the learned counsel for the petitioner and submits that after commencement of trial, only one prosecution witness has

Considering the nature of the case as well as the role attributed to the petitioner, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, as only one prosecution witness has been examined out of total eighteen prosecution witnesses, therefore, it is evident that the conclusion of trial would take considerable time. The material witnesses are either the complainant or police officials, therefore, does not seem to be any possibility of their being won over.

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/Duty Magistrate concerned.

The petition is allowed.

22.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No