

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42045-2020

DATE OF DECISION: FEBRUARY 23, 2021

GULAB

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NITIN MEEL, ADVOCATE FOR THE PETITIONER.
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.606 dated 4.10.2018, under Section 324/326/34 IPC (Section 307 IPC added later on) and Section 3(1)(i) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Civil Lines, District Hisar. The petitioner is in custody since his arrest on 6.1.2019.

The allegations contained in the FIR as noticed by the Addl.Sessions Judge, Hisar in his order dated 20.11.2020, are as under:-

“This case was registered on a complaint made by Rupesh Kumar son of Rajinder Kumar wherein he alleged that he alongwith his family is residing at Mill Gate, Hisar in a rented premises. On 2.10.2018 he was coming back on foot to his house after finishing his duty and at about 8-00 P.M. when he reached ahead of Jindal Chowk near Railway Crossing Surya Nagar, Hanuman and Gulab came on a motor cycle from behind. Gulab was armed with a sword and Hanuman was having an axe and they inflicted injuries on his face, head, chin and

left hand. Consequently, he fell down. Blood was oozing out of his injuries. Thereafter, the accused fled away on their motor cycle. He was unconscious and was got admitted in Mahatma Gandhi Hospital, Hisar by a person from village Ludas. It was further alleged that there is a dispute between Hanuman and his wife Sunita and his wife has filed cases for maintenance etc. Hanuman and his wife Sunita are residing in their village for the last 12-13 years and Sunita treats him as his brother. Gulab and Hanuman were nurturing grudge against him alleging that why he is lending a helping hand to Sunita. The accused have, thus, caused injuries to him.”

Learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Hanuman has already been released on bail vide order dated 13.7.2020 (Annexure P-4) and therefore, the petitioner also deserves the concession of regular bail. It is further pointed out that the investigation of the case is complete and no recovery was made from the petitioner. Learned counsel has argued that motive of the crime is also attributed to co-accused Hanuman. He prays for bail.

On the other hand, learned counsel for the State assisted by ASI Tek Singh has opposed the aforesaid prayer. However, it is not disputed that 10 prosecution witnesses have already been examined out of total 14, including the complainant.

Considering the above background and the fact that material witnesses have already been examined, further custody of the petitioner may not be necessary. The petitioner is presently confined in judicial custody since 6.1.2019 and is not required for any useful purpose.

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.

February 23, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No