

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

CRM-M-42667-2020 (O&M)
Date of Decision:-29.1.2021

Sunil Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nirmal Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Baljeet Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.56 dated 24.1.2019 registered at Police Station Thanesar City, District Kurukshetra under Section 302/34 of Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The FIR was registered at the instance of Jasbir Singh wherein it has been alleged that on 23.1.2019 when he reached back home from his shop, then Ravi came to his house and informed him that Rahul was beating up complainant's brother namely Dhammu and had thrown him on the main

road. Upon receipt of the said information the complainant along with his nephew Suraj and Jitender reached at the spot and saw his brother Dharambir @ Dhammu lying on the road who was badly injured. It is further alleged therein that Rahul was also present there who was carrying an iron 'tawa' (griddle), used for baking "chapatis" and upon seeing the complainant, he fled away from the spot along with his iron 'tawa'. It is further the case of the prosecution that although Dharambir @ Dhammu was taken to hospital but he could not survive and succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and that the only person named therein is Rahul who was seen at the spot and is alleged to have caused injuries to the deceased.
4. Learned State counsel has, however, opposed the petition and has submitted that although the petitioner was not named in the FIR but in the supplementary statement made by the complainant, which was recorded on the same day i.e. on 24.1.2019 he specifically named the petitioner Sunil Kumar, Deepak and Kishan to be co-accused who are also alleged to have caused injuries to the complainant with the help of sticks, rod and 'gandasi'. Learned State counsel has further submitted that since the deceased was found to be sustaining as many as 10 injuries, the complicity of the petitioner quite evident and, as such, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 8 months and till date only 6 out of the cited 29 PWs have been examined.
5. I have considered rival submissions addressed before this Court.

6. It is not disputed that the name of the petitioner did not figure in the FIR but came to be nominated as an accused in the supplementary made by the complainant subsequently. It is also evident that the petitioner has been behind bars since the last 1 year and 8 months and conclusion of trial is likely to take substantial time as only 6 out of the cited 29 PWs have been examined so far. Another identically situated co-accused namely Deepak has already been granted bail by this Court vide order dated 21.1.2020 passed in CRM-M-1608 of 2020. In this circumstances, the petitioner deserves the concession of bail on grounds of parity as well. 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.

29.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No