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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43804 of 2020 (O&M)

Decided on: 07.01.2021

Nitin

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.58 dated 26.09.2019, for offence punishable under Sections 147, 148, 149, 302, 323 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station GRP Jind, District GRP Ambala Cantt.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant – Shivam, it is stated that on 25.09.2019 in the evening, the co-accused Satnam Singh has telephonically called his cousin brother namely Harjeet @ Jeeta that some fight has taken place on 23.09.2019 between Ankit and Vishal regarding driving of a motorcycle and for the purpose of effecting settlement/compromise, he should come to Paleti Railway

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Station, City Jind. Upon this, the complainant along with his cousin brother Harjeet @ Jeeta, brother-in-law Amir @ Meeru, reach at the station. There Vishal and Sonu, both real brothers, Sahab Singh, Jobin, Nitin (the present petitioner) and one boy, whose name was not known, were standing. All the 06 boys suddenly attacked Harjeet @ Jeeta. Sonu gave poker blows on the head and neck of the Harjeet @ Jeeta, Jobin hit him with punch, Vishal hit him with rod and rest of the three persons caught hold the victim Harjeet @ Jeeta and gave kick and fist blows. Sonu also attacked the complainant – Shivam with a poker on his left hand wrist and fingers. In the self-defence, they also attacked them by picking stones from the railway track and thereafter, the accused ran away. Harjeet @ Jeeta became unconscious and was taken to Civil Hospital, where he had died.

Counsel for the petitioner has further submitted that in the entire FIR neither any motive is attributed to the petitioner nor any previous enmity is attributed to him. It is further argued that as per the allegations in the FIR, some talks of compromise is to be taken place on account of driving of a motorcycle by Ankit and Vishal and there is no specific allegation of causing any injury either to deceased – Harjeet @ Jeeta or the complainant – Shivam.

Counsel for the petitioner has also submitted that one of the co-accused of the petitioner namely Satnam Singh @ Satta, has been granted the concession of regular bail vide order dated 03.12.2020 passed in CRM-M No.39856 of 2020.

Counsel for the State assisted by counsel for the complainant has, however opposed the prayer for bail on the ground

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that the petitioner along with 02 other boys caught hold the deceased – Harjeet @ Jeeta while the other accused caused injuries to him.

After hearing the counsel for the parties, considering the fact that the petitioner is in custody since 27.09.2019; till date no PW has been examined due to COVID-19 situation and also in view of the fact that no motive or previous enmity is attributed to the petitioner and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.01.2021

yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No