

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48136-2021

DATE OF DECISION: NOVEMBER 24, 2021

RAVI KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AJAY ARORA, ADVOCATE FOR THE PETITIONER.

MR. BHUPENDER SINGH, DAG, HARYANA.

MR. ATUL PARTAP DHANKHAR, ADVOCATE FOR COMPLAINANT.

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.236 dated 9.7.2020, under Section 148, 149, 323, 364, 302, 120-B IPC, Police Station Dabwali Sadar. The petitioner is in custody since his arrest on 18.7.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sirsa, in the order dated 16.2.2021, are as under:-

“It is case of prosecution that on 09.07.2020 on receipt of a medical ruqa from MHC, P.S. Sadar Dabwali at Police Post, Chautala through telephone regarding death of Monu son of Balwinder Singh due to injuries received in assault, police officials reached at CHC, Dabwali, where Satwinder Singh alias Sonu son of Balwinder Singh was found present near Mortuary of CHC, Dabwali. Complainant Satwinder Singh got recorded his statement to police. The complainant alleged that his younger brother Jitender alias Monu had performed love marriage with Seema of village Sukera Khera about two years ago. He had received information regarding

receiving of injuries by his brother Jitender alias Monu in assault. On this information, he (complainant) reached CHC, Dabwali and came to know that his brother Jitender alias Monu and his friend Arun alias Hunny were taking meal at Punjabi Dhaba near village Abubshahar where Bandagi Ram son of Mulkh Raj, Goru son of Sukha Ram, Kala Ram son of Pala Ram and Budhu along with 18/19 other persons came on motor-cycles and started inflicting injuries to Jitender alias Monu and Arun alias Hunny with Kirpans, swords and batons. Arun alias Hunny managed to flee away from spot. The assailants took Jitender alias Monu on motor-cycle to village Sukera Khera where they caused injuries to Jitender alias Monu in front of house of Bandagi Ram. Thereafter, all the assailants ran away from spot along with their respective weapons. On the information of villagers, ambulance came at spot and took Jitender alias Monu to CHC, Dabwali where he was declared dead by doctor. The complainant stated that his brother has been murdered by Bandgi Ram, Goru son of Sukha Ram, Kala Ram son of Pala Ram, Budhu and 18/19 unknown persons with sword, danda etc. The motive behind the occurrence was that 4-5 days ago a quarrel had taken place at a marriage function at village Sukherakhera with Bandgi Ram and Goru etc.”

Learned counsel for the petitioner has argued that in the FIR, complainant Satwinder Singh had named only four accused, namely, Bandagi Ram, Goru, Kala Ram and Budhu who caused injuries upon his brother Jitender @ Mony (deceased) alongwith other 18/19 persons and as per allegations, in the said occurrence, victim Arun @ Honey also suffered injuries. He further submits that the petitioner has been falsely implicated in

the present case and there is no convincing evidence to indicate his involvement, as the statement of Arun recorded under Section 161 Cr.P.C. also does not contain his name. Learned counsel further submits that vide order dated 8.11.2021, passed by this Court in CRM-M-1612-2021, similarly situated co-accused of the petitioner has been released on bail and therefore, he also deserves to be released on bail.

On the other hand, learned counsel for the State assisted by SI Devi Lal has opposed the aforesaid prayer, but does not dispute that the case of the petitioner is at par with the co-accused who has been released on bail.

Considering the above background and the fact that the case of the petitioner is at par with the co-accused who has 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 18.7.2020, 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 24, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No