

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48458-2021

DATE OF DECISION: NOVEMBER 29, 2021

AZAD @ JADU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. TANVIR S. GREWAL, ADVOCATE
FOR THE PETITIONER.

MR. BHUPENDER SINGH, DAG, HARYANA.

MR. BIJENDER 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 13.1.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sirsa, in the order dated 22.10.2021, are as under:-

“Satvinder Singh son of Balwinder Singh lodged an FIR to the effect that his brother Jitender alias Monu was married with Seema on account of love marriage. He got an information regarding receiving of injuries by his brother Jitender and he reached Govt. Hospital, Dabwali where he came to know that Jitender his brother alongwith his friend Arun alias Hunny was taking meal at Punjabi Dhaba near village Abub Shahar where

Bandagi Ram, Goru, Kala Ram and Budhu residents of Sukera Khera came on motor cycles alongwith 18/19 persons and caused injuries to Jitender alias Monu and Arun alias Hunny with sword, Kirpan and dandas. Arun alias Hunny ran away from the spot whereas they took his brother on motor-cycle and put him in the street in front of the house of Bandagi Ram and caused him injuries with their respective weapons. Then villagers gave information. Ambulance came and Jitender was taken to Govt. Hospital, Dabwali where he succumbed to his injuries. So he prayed to take legal action against accused persons. On the basis of this statement present FIR was registered under Sections 302, 323, 148,149, 120-B and 34 IPC.”

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 @ Monu (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. Learned counsel further submits that vide order dated 24.11.2021, passed by this Court in CRM-M-48136-2021, 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 13.1.2021, 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 29, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No