

In virtual Court

CRM-M-129-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-129-2021 (O&M)  
Date of decision: 15.03.2021

Uday @ Uday Singh Saini

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Lalit Kumar, Advocate  
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

This is 2<sup>nd</sup> petition for grant of regular bail in FIR No.366 dated 15.06.2020 under Sections 120-B, 201, 302 IPC (Section 120-B IPC was deleted and Section 34 IPC was added later on), registered at Police Station Shivaji Colony, District Rohtak; earlier one was dismissed as withdrawn on 31.08.2020.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Nehno Devi, on 29.05.2020, his nephew Sunil called him that his uncle Mukesh has died and she should come home. When the complainant reached along with her husband to her maternal home, the family members were preparing to cremate the dead body of

her brother. Later on, the petitioner went to house of Gautam son of Maman and inquired about the death of her brother and he said that an altercation took place between the petitioner and deceased Mukesh few days ago and on that account, the petitioner was having a grudge. On 28.05.2020, when deceased had gone on his pick up to New Sabzi Mandi, Rohtak, there Uday and deceased Mukesh were present in the shop of a commission agent and upon an injury caused by the petitioner, the deceased died. Thereafter, on looking at the CCTV camera, it was found that the petitioner was assaulting her brother and other accused were also present in the shop of the commission agent.

Learned counsel for the petitioner has argued that there is a delay of 17 days in registration of the FIR and it will be a matter of trial whether the deceased died on account of the injuries sustained, while having a fight with the petitioner or on account of falling from a bench, while he was smoking.

Learned State counsel has filed the reply by way of affidavit of the Investigating Officer as well as custody certificate dated 13.03.2021 in the Court today. A perusal of the custody certificate shows that the petitioner is in custody for the last more than 08 months.

Learned State counsel submits that next date before the trial Court is fixed on 18.03.2021 for framing of charge and complainant and other material witnesses are yet to be examined and on the basis of affidavit of the Investigating Officer, it is submitted that during the investigation, after going through the CCTV footage, it was found that the petitioner had caused injuries to the deceased. It is further stated in the affidavit that disclosure statement of

co-accused Dharampal was also recorded, on the basis of which, place of occurrence was demarcated. It is also stated that some other accused named in the FIR, were found innocent and Section 120-B IPC was deleted and Section 34 IPC was added and weapon of offence, which is a broom, was also recovered from the petitioner.

After hearing learned counsel for the parties and going through the contents of the FIR as well as affidavit of the Investigating Officer and also in view of the fact that there is a reference of CCTV footage as well as disclosure statement of co-accused, which was followed by identification of place of occurrence and recovery of case property, I do not find it to be a case for grant of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

15.03.2021  
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No