

224

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 19.05.2022

1. CRM-M-2186-2022 (O&M)

Sunny	Vs.	Petitioner
State of Haryana		...Respondent

2. CRM-M-15863-2022

Mahipal	Vs.	Petitioner
State of Haryana		...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Reshabh Bajaj, Advocate for the petitioner
in CRM-M-2186-2022.
Mr. Pankaj Mehta, Advocate for the petitioner
in CRM-M-15863-2022.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.**CRM-10222-2022**

Application is allowed as prayed for.

Annexures P-6 and P-7 are taken on record.

Main case

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.191 dated 09.07.2021 under Sections 148, 149, 302, 323 and 506 Indian Penal Code, 1860 PC registered at Police Station Sector-14, District Panchkula, who were arrested on 09.07.2021 and 12.07.2021, respectively.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Panchkula in the order dated 26.11.2021 (in CRM-M-2186-

2022) are as under:-

“As per the prosecution case, FIR was registered on the statement of Rinku son of Binder who was admitted in the hospital with injuries. It was disclosed by said Rinku/complainant that he was working as a private sweeper in Municipal Committee, Panchkula. He was present at his residence on 08.07.2021, when at about 8.30 PM his neighbor Satish Kumar son of Harpal Singh came on his Aactiva and after stopping his Aactiva, picked up the bicycle of the complainant's father and threw it upon his father. When his father tried to put the bicycle aside, the said Satish Kumar started abusing him and threatened him that he will call some boys. At that time Satish Kumar alongwith his two sons Vicky and Sunny and his neighbourer Mahipal and Mohit(the juvenile), came there armed with lathis, knife, danda and iron rod and after making 'Lalkara' attacked his father with their respective weapons. When the complainant raised alarm for help, his mother and brother came on the spot. At that time, Mohit tried to hit with iron rod on the head of the complainant but when he raised his arms to avoid the blow, the iron rod hit finger of his left hand. Other accused also gave blows with their respective weapons to the other members of the complainant party. All the accused persons killed his father on the spot and fled. His father was taken to the hospital where he was declared dead. The injured were taken to Civil Hospital, Sector-6, Panchkula for treatment. It was alleged that accused Satish, Vicky, Sunny, Mahipal & Mohit had killed the complainant's father after hatching a conspiracy and had also inflicted injuries to the other family members. All the assailants fled away from the spot along with their respective weapons. A request was made to take action against the culprit.”

Learned counsel for the petitioners have argued that as per the complainant-Rinku, accused Satish along with his family members attacked-Binder and as per prosecution case, petitioner's brother, namely, Vicky caused the stab injury to the deceased. He submits that the petitioners are alleged to have been carrying danda and petitioner-Sunny had given simple injury to Vikas, whereas petitioner-Mahipal gave stick (danda) blow on complainant's mother. According to him, both the parties are neighbours and petty dispute between them turned ugly, and it was actually the other side, which had attacked the petitioner's father. In this regard, he has invited the attention of the Court to the photographs annexed as Annexure P-3 to contend that the complainant side was also armed. According to the learned counsel, though the investigation of the case is complete, but application to

further investigate the crime is pending adjudication before the Court, wherein the video clip captured by another neighbour on his mobile phone is being considered. They have prayed for bail

On the other hand, learned State counsel assisted by SI Deepak opposed the prayer and has argued that the petitioners along with his brother accompanied their father in order to attack Binder and being member of the unlawful assembly, these accused also actively participated in the crime. However, it is not disputed that stab injury to Binder (deceased) is attributed to Vicky. He on instructions further states that the case is now fixed for 12.07.2022 for framing of charges before the trial Court.

After hearing learned counsel for the petitioners, considering the above background, custody of the petitioners and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioners may not serve any useful purpose. Apart from it, the material witnesses are either close relatives of victim or police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

19.05.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No