

217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-3826-2022 (O&M)
Date of Decision:04.02.2022

Bajrang

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.134 dated 17.05.2021 registered under Sections 148, 302 and 365 IPC read with Section 149 IPC and Section 25 Arms Act at Police Station Sadar Fatehabad, District Fatehabad. The petitioner is in custody since his arrest on 20.05.2021.

The FIR was registered on the statement of Jagdeep Singh @ Buggi and the allegations as noticed by the Id. Sessions Judge, Fatehabad in the order dated 12.01.2022 are as under:

“As per prosecution case, complainant Jagdeep Singh @ Buggi suffered his statement before police to the effect that on 16.05.2021 at about 8:00/8:30 p.m. he, Hardeep and his uncle Gurdev Singh’s son namely Sanjay Kumar @ Bhokal were sitting near Gurudwara in village Ayalki. At that time, six boys on two motorcycles came there and stopped their motorcycles in front of house of Rahul @ Vikas. Love was driving one motorcycle, upon which Akash and Shankar were sitting as pillion riders, whereas Aman was driving other motorcycle, upon which two unknown boys were sitting as pillion riders. Then, Akash called Rahul @ Vikas to come out of his house and started giving beatings to him. On seeing the quarrel, his cousin Sanjay @ Bhokal, who is friend of Rahul @

Vikas, went to rescue him (Rahul @ Vikas). Akash was having knife in his hands and he gave knife blows into abdomen of Sanjay. Aman was having baseball bat and he gave baseball bat blows on back and shoulder of Sanjay. Shankar and two other unknown boys were having Dandas and they gave Danda blows on back, hips and other parts of body of Sanjay. Love also gave slaps, fist and kick blows to Sanjay. Sanjay fell down in drain pipe and he raised noise for help. On seeing the quarrel, he (complainant) and Hardeep went to spot and then, all the assailants alongwith their respective weapons fled away from there on their motorcycles. The motive behind this assault was that about seven months ago, Sanjay @ Bhokal had given a chit of mobile phone number to sister of Aman and said matter was resisted by Aman and his family members, which later on was settled at brotherhood level and due to this grudge, Akash, Aman, Shankar, Love and two other boys by forming unlawful assembly and in furtherance of their common object had committed murder of Sanjay Kumar @ Bhokal. Complainant prayed for taking appropriate action against the accused persons.”

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and has been indicted as an accused only on the disclosure statements made by the co-accused. Learned counsel for the petitioner has further submitted that the similarly situated co-accused of the petitioner, namely, Mukesh Kumar and Rinku @ Vishal have already been extended the concession of regular bail by this Court vide order dated 17.11.2021 and 21.12.2021 respectively. According to him, the charges were framed on 09.09.2021, therefore, the petitioner be also released on regular bail during the pendency of the trial.

Learned State counsel assisted by ASI Ajaib Singh, has opposed the prayer, however, he does not dispute the fact that the case of petitioner is at par with co-accused who are presently on regular bail.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 09.09.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been

released on regular bail, thus, the 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.

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/Duty Magistrate concerned.

The petition is allowed.

04.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No