

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6031-2022

DATE OF DECISION: MAY 11, 2022

GAURAV KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. KARAN SACHDEVA, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

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.270 dated 22.5.2020, under Section 302 IPC, Police Station Mahesh Nagar, District Ambala, who is in custody since his arrest on 23.5.2020.

The FIR was registered on the statement of Ramesh Kumar that he had four children, two sons and two daughters. His elder son, namely Ravi Kumar was 35 years and was in a habit of drinking. On the night of 19/20.5.2020, his younger son Gaurav told him that Ravi Kumar suffered injuries due to falling from the motorcycle near Tangri Dam and he took him to the Civil Hospital, Ambala Cantt. where the Doctor declared him dead. But now he had come to know that on the 19/20.5.2020, the body of Ravi Kumar was found at the rented house of Amit Sharma in Tangri with head injuries and therefore, his son did not die in accident, but had been killed by causing injuries. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner

is none other than the younger son of the complainant and was not named in the FIR, but was roped-in as an accused only on the basis of a supplementary statement made by the complainant. He further submits that the complainant who is the material witness has already been examined, who has not supported the case of the prosecution, and referred to the statement of Ramesh Kumar, PW1 (Annexure P-2). He prays for bail.

On the other hand, learned State counsel assisted by SI Vishvjeet has opposed the aforesaid prayer, however, he has not disputed that the complainant has been examined. According to him, in all there are 14 prosecution witnesses, but only 4 witnesses have been examined.

Considering the above background, the custody of the petitioner, and the fact that complainant has already been examined, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take 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.

May 11, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No