

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5829-2022

DATE OF DECISION: MARCH 22, 2022

PARVEEN @ KALA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAM PAL VERMA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, 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.347 dated 25.10.2019, under Section 148, 149, 323, 302, 506, 201, 120-B IPC, Police Station Asaudha, District Jhajjar, who is in custody since his arrest on 26.10.2019.

The above FIR was registered on the statement of complainant Sandeep and the allegations noticed by the Addl. Sessions Judge, Jhajjar, in the order dated 24.1.2022, are as under:-

“In brief, the prosecution case was that on 25.10.2019, at about 01:00 AM, Anil Kumar received a mobile phone call from his wife Smt. Meena that she was being troubled by her sons, namely Naveen and Kala (born out of her first marriage) for quite sometime, who even used to give beatings to her under the influence of liquor and that she be taken from her matrimonial place, at village Rohad. Upon that, the brother and nephew (sister's son) of the complainant i.e. Anil and Karamjeet respectively, on their motor-cycle went to pick-up Smt. Meena from village Rohad but the complainant Sandeep (his

maternal uncle) was informed by Karamjeet that they (i.e. Anil and Karamjeet) were given beatings by the above said Naveen @ Kala, Meena and others upon which, Sandeep and Mahesh Kumar, left for village Rohad, on a motorcycle. Again, the above named complainant received a mobile phone call that some how they (Anil and Karamjeet) had managed to flee from the clutches of the above named persons and were near Power House but they were not, in a condition to ride the bike and that, they be taken from that place. The complainant along-with Mahesh Kumar reached the identified place and found that their nephew was sitting on the motor-cycle and brother Anil Kumar was lying, on road. Somehow, Anil was made to sit on their motor-cycle, to be taken to the hospital but he died, on the way.”

Learned counsel for the petitioner has argued that the victim Anil Kumar was stepfather of the petitioner and according to the complainant, the assailants including the petitioner had given injuries to the victim and Karamjit (nephew of the complainant) and as a result of the injuries Anil had died. Learned counsel has argued that the material witnesses including injured Karamjit have already been examined, but they have not supported the prosecution case and were declared hostile. He further states that similarly situated accused, namely, Meena, mother of the petitioner has already been released on regular bail by the trial Court, therefore, further custody of the petitioner may not be necessary as the trial would still take some time to conclude. He prays for bail.

Learned State counsel has not disputed this fact that material witnesses have been examined and in all, there are 31 prosecution witnesses

and still 26 witnesses remain to be examined. He fairly states that co-accused of the petitioner, namely, Meena is already on bail and as per deposition of Karamjit (PW4-injured witness), the victim and the injured suffered injuries in a vehicular accident.

Considering the above background, custody of the petitioner and the fact that material witnesses have been examined, further custody of the petitioner may not be necessary as the trial would still 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.

March 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No