

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-7573-2021 (O&M)

Date of Decision: April 18, 2022

Rahul

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Aditya Sanghi and
Ms. Shaweta Sanghi, Advocates,
for the complainant.

Vivek Puri, J.

Rahul-petitioner is seeking regular bail
in the case bearing FIR No. 256, daed 02.11.2018,
under Sections 147, 148, 149, 302, 307, 323 of
the Indian Penal Code (for short 'IPC') and
Section 25 of the Arms Act, (during investigation
Sections 506, 120-B read with Section 34 IPC and
Section 3 of the Scheduled Caste and Scheduled
Tribes (Prevention of Atrocities) Act were

added), registered at Police Station Uklana, District Hisar.

Briefly, the case has been registered on the basis of the statement of Balbir alleging that on 01.11.2018 at about 8 p.m., his brother Harpal, newpew Sunil and Kuldeep were sitting on a cemented bench in the street near the house. Meanwhile, the petitioner along with Mandeep @ Sukha, Sonu and two other boys arrived at the spot. Mandeep and the petitioner were armed with knives. They inflicted knife blows on Sunil and Kuldeep. The injured were taken to the hospital. Sunil was declared dead and Kuldeep was referred to Hisar for treatment.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that no recovery of knife has been effected from the petitioner. The recovery has been effected from Mandeep co-accused, there is no specific attribution of any injury in the FIR and the petitioner is in custody for a period of about 3 years and 5 months.

The bail application has been mainly resisted on the score that the complainant/eye witnesses have supported the prosecution version, there were 4 incised wounds on the chest of the deceased and 2 incised wounds on the chest of the injured. It has been further stated that 12 out of 23 witnesses have been examined.

It is significant to note that the petitioner has undergone incarceration for a period of 3 years and 5 months. The complainant and the eye witnesses have been examined and it cannot be said that after his release on bail, the petitioner will influence or try to win over the witnesses. Moreover, no specific injury has been attributed to the petitioner in the FIR and even the recovery of knife has not been effected from him. So far only 12 out of 23 witnesses have been examined and as such, the conclusion of trial is likely to take some more time. The petitioner has been held to be aged about 16-1/2 years at the time of occurrence. Though, he is facing trial as an adult, but this aspect read in conjunction with the aforesaid circumstances emerging in the case, make out sufficient and

reasonable grounds to release the petitioner on bail.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed, accordingly.

April 18, 2022

vk d

(Vivek Puri)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No