

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-7237-2022 (O & M)****Date of decision: 15.07.2022**

Sudhir

....Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramnish Puri, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed for the grant of regular bail to the petitioner in case FIR No.67 dated 11.02.2019 under Sections 302, 307, 323, 148, 149, 120-B IPC and Section 25 of the Arms Act, 1959 registered with Police Station Shivaji Colony, District Rohtak.

2. The present case came to be registered at the instance of Jai Bhagwan @ Palli son of Rajender, who stated that he was an agriculturist. They were three brothers. He was the eldest, younger to him was Sumit alias Nanha and the youngest was Naveen. On 11.02.20219, he and Praveen alias Tallu were going towards Rohtak City on their motorcycle while his younger brother Sumit alias Nanha and Vijay were also going to Rohtak City while riding a bullet motorcycle. When they reached closed to Sunariyan Chowk, then 4-5 persons riding on two motorcycles came from behind and stopped the motorcycle of Vijay. Out of the said persons, Davinder @

petitioner) and their other companions who had knives and pistols in their hands got off from their motorcycle. Davinder alias Chhotu shot his (complainant's) brother-Sumit alias Nanha and others attacked him with knives and bullets. Knife blows and bullet injuries were also given to Vijay. Thereafter, these accused fled away from the spot.

3. The learned counsel for the petitioner contends that the allegations against the petitioner are baseless. No specific injury has been attributed to him and no recovery of any incriminating article was effected from him. He also contends that one of the alleged witnesses to the occurrence, namely, Vijay has not supported the prosecution case and refers to his deposition (Annexure P-7) to substantiate his arguments. He, thus, contends that the petitioner deserves the concession of regular bail as he is in custody since 21.02.2019.

4. The learned State counsel, on the other hand, contends that the petitioner is an equal participant in the occurrence with all the accused, who came together riding motorcycles waylaid the complainant party and caused injuries to not only the deceased but the witness as well. While referring to the reply dated 09.05.2022 filed on behalf of the respondent-State, he contends that 07 prosecution witnesses out of the 25 cited in the list of witnesses already stand examined and the complainant has duly supported the prosecution case against the petitioner while deposing in the Court, and therefore, the petitioner does not deserve the concession of regular bail being a part of the unlawful assembly.

5. I have heard the learned counsel for both the parties at length.

6. A perusal of the FIR would reveal that the petitioner is an active participant in the occurrence. All the accused came together on two separate

deceased-Sumit alias Nanha and Vijay. A perusal of the deposition of Jai Bhagwan alias Palli (the present complainant) examined as PW-2 would clearly show that the complainant has categorically reiterated his version in the FIR and attributed a specific role to the petitioner.

7. In view of the aforesaid facts, the petitioner does not deserve the concession of regular bail, and therefore, the present petition is dismissed.

8. However, keeping in view the fact that the petitioner is in custody as an under-trial for more than three years, the Trial Court is requested to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order.

(JASJIT SINGH BEDI)
JUDGE

July 15, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No