

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14082-2020 (O&M)
Date of Decision:-9.2.2022

Sumit Kumar @ Goldee

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kumar Rana, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Naresh Kumar.

Mr. Saransh Sabharwal, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.159 dated 30.7.2019 at Police Station Barara under Sections 302, 323 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Maya Rani wife of Mohan Lal, wherein it is alleged that she, her husband Mohan Lal as well as family of his elder brother namely Nand Lal and also of his younger brother namely Anil Kumar reside jointly. It is alleged that on 29.7.2019, there was a power failure in the street at about 09:00 p.m. Rahul Kumar @ Summa and Sumit Kumar @ Goldi were repairing the electricity supply system. The

complainant, her husband Mohan Lal and her brother-in-law Anil Kumar were standing in the street. Complainant's brother-in-law Anil Kumar requested Rahul Kumar @ Summa and Sumit Kumar @ Goldi to repair their electricity supply as well, upon which Rahul Kumar @ Summa and Sumit Kumar @ Goldi became angry. It is alleged that Sumit Kumar @ Goldi gave a stick blow on the head of Anil Kumar. When complainant's husband tried to rescue him then Rahul Kumar @ Summa and Sumit Kumar @ Goldi caught hold of her husband Mohan Lal and dragged him inside their house. Rahul Kumar @ Summa is alleged to have brought a knife from the house and inflicted several blows to complainant's husband Mohan Lal. Upon alarm having been raised, elder brother-in-law of complainant namely Nand Lal, her sister-in-law Poonam and neighbour Karnailo wife of Krishan Lal also came at the spot. Her husband fell down profusely bleeding. Although he has taken to hospital but he was declared dead.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, he is only attributed a blow with stick to the deceased. It has further been submitted that the facts do not show that there was any premeditated plan on the part of the accused to kill the deceased and that everything happened on the spur of the moment. Learned counsel for the petitioner has further submitted that, in any case, even if all the allegations are taken to be correct, it would at best be a case falling within the ambit of Section 304 Part I or 304 Part II of Indian Penal Code and that the rigors of Section 302 IPC are not attracted.
4. Opposing the petition, learned State counsel has submitted that there are specific and unambiguous allegations against the petitioner, who was

accompanying the co-accused, who inflicted a fatal blow with a knife to the deceased resulting in his death and, as such, his complicity is clearly evident. It has further been submitted that, in any case, the petitioner is also attributed one blow with a stick, which infact resulted in fracture on his forehead. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last approximately 2½ years. Learned State counsel has further informed that as on date as many as 5 PWs including 2 eye-witnesses out of the cited 19 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and while also noticing that the eye-witnesses, who have been examined, are stated to have supported the case of prosecution, this Court does not find any special case for grant of bail. The petition is sans merit and is hereby dismissed.
7. It shall, however, be open to the petitioner to move an application afresh for grant of bail in case there is any inordinate delay in conclusion of trial.

9.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No