

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

**CRM-M-21895-2021
Date of decision: 01.02.2022**

Sumit**...Petitioner**

Versus

State of Haryana**...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Siddarth, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No. 17 dated 06.01.2020, registered under Sections 148, 149, 302, 323 of the IPC at Police Station City Thanesar, Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Karamjeet Singh, it is stated that his younger brother Roshan along with his another brother Raj Kumar was coming on his motorcycle and they had a quarrel with Vicky Khatri and thereafter, Vicky, Gaurav, Lucky and Kala gave injuries to Roshan with a liquor bottle on his head and when Raj Kumar tried to save him, one of the aforesaid persons gave him knife blow, due to which, he also got injuries.

Learned State counsel, at the very outset, has submitted that vide order dated 10.08.2021 passed in CRM-M-33394-2020, the regular bail application, filed by co-accused Ranjeet, was dismissed. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Karamjit Singh, he is having a shop of danting painting and on the date of incident, after closing his shop, he had gone home. His younger brother is also doing the same work. His brother Roshan along with another younger brother Raj Kumar were coming back home on the motorcycle. Vicky Khatri, who is running a liquor shop, had a quarrel with his brothers. When the complainant received this information, he reached at the spot and saw that his brother Roshan was bleeding with head injury and in injured condition, he told that Vicky, Gaurav, Lucky and Kala have caused injuries to him with a glass bottle of liquor and when his brother Raj Kumar tried to save, one person, who was having the knife, stabbed to Raj Kumar and some people have taken him to the hospital. The complainant took his brother Roshan to LNJP Hospital and got him admitted and thereafter, inquired about his another brother Raj Kumar. The doctor informed him that he died because of the injuries sustained by him. The complainant named Vicky, Gaurav @ Goru, resident of Ravidass Colony, Lucky resident of Dayal Pur, Kala resident of Village Samsipur and Sumit Gadwali resident of Model Town, Kurukshetra, who have caused injuries to his brother Roshan and committed murder of his another brother Raj Kumar.

Learned counsel for the petitioner has argued that the petitioner has been wrongly named with his alias name Lucky and the complainant is not an eyewitness. It

is further submitted that the petitioner is not involved in any other case and no incriminating evidence has come against him.

Status report by way of affidavit of Deputy Superintendent of Police, Kurukshetra is on record. In this affidavit, it is stated that on verification of facts of the FIR, it was found that the petitioner namely Ranjeet @ Lucky was arrested on 29.01.2020 and during the investigation, it has come that the petitioner is known as Ranjeet @ Lucky. It is further stated in the affidavit that the petitioner is involved in as many as 06 other FIRs under Sections 323, 324, 325 IPC.

Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer for bail on the ground that the petitioner is habitual offender and has caused injuries to injured eyewitness Roshan and has committed murder of Raj Kumar. It is submitted that statement of victim Roshan is yet to be recorded, therefore, if the petitioner is granted the concession of regular bail, there is every possibility that he may try to influence the victim because he is involved in number of other cases of similar nature.”

Learned counsel for the petitioner further submits that there is no specific attribution to the petitioner as per allegations in the FIR, however, later on, as per disclosure of the petitioner, he has allegedly caught hold of victim Roshan and has given a blow on his head.

Learned State counsel, on the basis of the affidavit of the DSP, City, Kurukshetra, assisted by learned counsel for the complainant, has further submitted that during investigation, the statement of injured Roshan was recorded, in which he has deposed that the petitioner had caught hold of him and caused injuries and the other accused have also caused injuries to

him as well as his brother Raj Kumar, who has died.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the serious allegations against the petitioner, I find no ground to grant him the concession of regular bail.

Accordingly, the present petition is dismissed.

01.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No