

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22987-2021 (O&M)
Date of decision: 31.03.2022

Ashu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.637 dated 27.07.2020 under Sections 148, 149, 302, 323, 341, 120-B IPC, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Pritam Singh, on 27.07.2020, he received an information that his nephew Manpreet @ Sonu was lying in an injured condition with head injury in Tau Devi Lal Complex Street near Sai Tower. On receiving such information, he reached at the spot and saw that his nephew was lying dead with a head injury and blood was lying scattered. His nephew used to work at a shop of Air Conditioner at Mahabir Colony. He

enquired on his own that initially, Anil, Ashu, Vicky, Suraj, residents of Panipat had heated exchange of words and thereafter, quarrelled with his nephew. Later on, along with abovesaid accused, Sunny, Ajay, Golu, Prem @ Goga, Deepak, Suman, Darshana and Ashok and some other persons came at the spot on motorcycles with sticks and rods with intention to kill Manpreet @ Sonu and attacked him with sticks and rods, due to which Manpreet @ Sonu succumbed to the injuries. It is further submitted that the petitioner was shown to be armed with a danda and no specific motive is attributed to him. It is also submitted that the petitioner is in custody for the last 01 year, 07 month and 29 days; he is first offender; he is aged about 25 years and his father has expired and his mother is blind and there is no one to look after his two minor sisters.

Learned counsel further submits that though the charges have been framed, however, till date, no prosecution witness has been examined. It is also submitted that co-accused of the petitioner, namely Darshana @ Bunni, Ajay @ Naresh, Sunny @ Mota, Deepak and Prem @ Goga have already been granted the concession of bail by this Court, as they were part of the first incident, where no injury was caused to the victim.

Affidavit of Investigating Officer/Inspector Sunil Kumar, SHO, Police Station City Panipat is on record, in which, after verifying the facts of the case, it is stated that cause of death of Manpreet @ Sonu is *due to craniocerebral damage secondary to blunt force trauma to the head. All injuries were fresh and antemortem*. It is further stated that the incident was recorded in CCTV footage, in which it is seen that four persons were inflicting the injuries to deceased Manpreet @ Sonu, who were identified as Sunny, Ashu

@ Sahil, Anil @ Nolu and Vicky. It is also stated that all the accused persons were arrested and suffered their disclosure statements that they, in conspiracy with each other, had caused injuries to the victim. A bamboo stick was recovered from the petitioner.

Learned State counsel, on instructions from the Investigating Officer, could not dispute that the petitioner is in custody for the last 01 year, 07 months and 29 days and is not involved in any other case and out of total 30 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No