

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision : 05.09.2022

1.

CRM-M-27479-2022

Mandeep

... Petitioner

Versus

State of Haryana

... Respondent

2.

CRM-M-22270-2022

Bunty

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Randeep S.Dhull, Advocate
for the petitioner in CRM-M-27479-2022.

Mr.M.S.Kathuria, Advocate
for the petitioner in CRM-M-22270-20922.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Baljeet Beniwal, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

1. This order will dispose of two petitions. The first petition has been filed by petitioner-Mandeep, i.e. CRM-M-27479-2022 and the second petition has been filed by petitioner-Bunty, i.e. CRM-M-22270-

2. Both the said petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in FIR No.9 dated 09.01.2022, registered under Sections 148, 149, 323, 307, 120-B, 212, 506, 509 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Titram, District Kaithal.

3. Learned counsel for both the petitioners have submitted that the petitioner Mandeep has been in custody since 09.01.2022 and petitioner Bunty has been in custody since 17.01.2022 and the investigation is complete and the challan has already been presented and there are 31 witnesses and since the charges have not been framed, thus, the trial is likely to take time. It is further submitted that no case is pending against either of the said petitioners. It is argued by both learned counsels that neither of the two petitioners were named in the FIR nor they were stated to be armed with any weapon, although 5 persons have been named in the FIR. It is submitted that there is no recovery of any weapon from either of the two petitioners and petitioner Mandeep has been implicated on the basis of disclosure statement of Kuldeep Singh, accused, who was named in the FIR and as per the said disclosure statement (Annexure P-4 in CRM-M-27479-2022), the only role attributed to petitioner Mandeep is that he along with some other accused inflicted injury on legs kicks with fist punches. No specific injury has been attributed to the said Mandeep. Learned counsel appearing for petitioner Bunty has submitted that the said Bunty has also been implicated on the basis of disclosure statement of one Surinder son of Dharam Pal and even as per the said statement, it is stated by Surinder that he had taken his nephew Bunty along with him and no specific injury or weapon has been attributed to him as per the same. It is further submitted by

both the learned counsels for the petitioners that the present case is a case of version and cross version and the cross version in the present case, i.e. FIR no.10 dated 09.01.2022 was registered under Section 307, 323, 506 IPC and Sections 25 and 27 of the Arms Act on the statement of Parveen Kumar.

4. Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that the present petitioners had also participated in the occurrence in which Gurmeet and Pardeep have suffered three gun shots and four gun shot injuries. It is further submitted that in the cross version recorded on the statement of Parveen Kumar, Section 307 IPC had been deleted and Section 326 IPC has been added.

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. Petitioner Mandeep has been in custody since 09.01.2022 and petitioner Bunty has been in custody since 17.01.2022 and the investigation is complete and the challan has been presented and there are 31 witnesses and since the charges have not been framed, thus, the trial is likely to take time. There is no case pending against either of the two petitioners. No weapon has been recovered from them. Petitioner Mandeep is stated to have been implicated in the present case on the basis of disclosure statement of Kuldeep Singh (Annexure P-4 in CRM-M-27479-2022) and even as per the said statement, no specific injury has been attributed to the petitioner Mandeep and it is alleged that he along with other co-accused, had inflicted injuries to the complainant party on legs kicks with punches. Petitioner Bunty has also been implicated on the basis of disclosure statement of Surinder and even as per said statement, no injury has been attributed to

Bunty. The present case is a case of version and cross-version.

7. Keeping in view the above said facts and circumstances, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

8. It is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present cases which are only for the purpose of adjudicating the present bail petitions.

(VIKAS BAHL)
JUDGE

September 05, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No