

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28638-2020

Date of Decision: 21.04.2022

Parvinder @ Rakesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipul Sharma, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Rakesh Sobti, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.1194 dated 20.12.2017, under Sections 323, 148, 149, 506, 325, 307, 302, 285 of IPC and Section 25/54/59 of Arms Act, registered at Police Station Saran, District Faridabad.

The learned counsel for the petitioner has submitted that in the present case the petitioner is in custody from 30.12.2017 and 13 witnesses out of 30 prosecution witnesses have been examined and it is a case where the petitioner has been falsely implicated and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is a case where a number of persons had jointly attacked deceased Harender with different kind of

weapons and he had sustained multiple injuries and consequently he was admitted in Escorts Hospital, Delhi and eventually died due to the injuries and thereafter the offences were enhanced to Section 302 IPC as well. He further submitted that even there is a CCTV camera in the present case identifying the accused persons including the petitioner. He further submitted that the reason for the aforesaid attack on the deceased was that the accused persons had misbehaved with the daughter of one Vinod and the complainant and his brother had tried to save the daughter of Vinod and due to this reason all the accused persons collectively attacked the deceased and gave severe beatings which ultimately led to the death of the aforesaid Harender who was injured. He further submitted that the present offence is not only a serious offence but is also heinous in nature. He further submitted that 17 more witnesses are remaining and there is every likelihood that in case the petitioner is released on bail, he may influence the remaining witnesses and he may even abscond from justice and, therefore has vehemently opposed the grant of bail.

Mr. Rakesh Sobti, Advocate has also appeared on behalf of the complainant and has stated that the gravity of the present case wherein the number of persons including the petitioner had killed the aforesaid Harender would disentitle the petitioner for the grant of bail. He further submitted that the complainant and his brother only wanted to save the honour of a girl and as a revenge the petitioner alongwith other persons killed the brother of the complainant.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 30.12.2017 which is a long custody but the argument raised by the learned counsel for the State

that there is every possibility that the petitioner may influence the witnesses or flee from justice cannot be ignored. As per the allegations the complainant and his deceased brother had only saved the honour of a girl and due to this reason allegedly the petitioner and the other co-accused killed the brother of the complainant. As per the learned counsel for the parties the complainant and the other material witnesses who have been examined till date have fully supported the prosecution version. However, as per the learned counsel for the petitioner the I.O had only stated that the evidence was a hear say evidence. After hearing the learned counsel for the parties, this Court is of the view that considering the gravity and magnitude of the seriousness involved in the present case and also considering the apprehension expressed by the State, this Court is not inclined to grant bail to the petitioner and, therefore, the present petition is hereby dismissed.

However, considering the long custody of the petitioner in the present case, it will be just and fair and also in the interest of justice to direct the trial Court to expedite the trial.

Consequently, the trial Court is directed to expedite the trial accordingly.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.04.2022

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No