

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

DECIDED ON:14th January, 2022

(1) CRM-M-39446 of 2021

Bhola @ Parveen

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

(2) CRM-M-39603 of 2021

Deepak

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ravi Pratap Singh, Advocate for petitioner.

Mr. Karan Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

These two petitions under Section 439 Cr.P.C. are filed seeking regular bail in case of FIR No. 300 dated 6.10.2019, under Sections 148, 149, 323, 324, 307, 302, 506 IPC, 1860, registered at Police Station Sadar Gohana, District Sonipat.

Brief facts are that on 6.10.2019, an information was received that Rakesh, Akvaam, Bartoa were admitted in PGI, Khanpur. Statements of Shiv Kumar and Rakesh were recorded. They stated that Rakesh along with his uncle's son were attacked by Ginni, Sanjit, Kaku, Sagar, Deepak and 4-5 accomplices. The accused inflicted injuries with sua and knife. Kaku was carrying a pistol. Rakesh succumbed to the injuries inflicted.

Learned counsel for the petitioners submits that petitioner-Deepak is in custody since 9.10.2019 and petitioner-Bhola is in custody since 23.10.2019. Co-accused were granted bail by this Court. Complainant and eye-witness have not supported the case of prosecution.

Learned State counsel opposes the prayer for grant of bail. He submits that the accused assembled with a common intention and Rakesh lost his life. On instructions he is not in a position to dispute that the eye witness and the complainant in their deposition before the trial Court have not supported the case of the prosecution.

Considering the facts and circumstances of the case in totality, without making any comment on the merits of the case, taking note of the custody period and the fact that co-accused have been granted bail, petitioners are granted bail on their furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

14th January, 2022

reema

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>