

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

CRM-M-37701-2022

Date of Decision: September 05, 2022

Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Mandeep Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.388 dated 11.10.2021 under Sections 323, 324, 452, 506 and 34 of IPC (Section 302 IPC added later on) and Sections 25/54/59 of the Arms Act, registered at Police Station Narwana Sadar, District Jind.

Brief facts of the case are that on 10.10.2021, at about 10.10.2021, at about 10.05 p.m., HC Sandeep Kumar had received a telephonic message from MHC, Police Station, Sadar Narwana that Satish, son of Ram Kumar, resident of village Dhakal, who had been admitted in Government Hospital, Narwana, on account of having suffered injuries in a scuffle, had been referred to MAMC, Agroha. On receiving this information, HC Sandeep Kumar reached Government Hospital, Narwana and collected rukka, MLR, but due to late hours could not proceed for MAMC, Agroha. On 11.10.2021, HC Sandeep Kumar alongwith other police officials reached MAMC, Agroha and sought

permission of doctor on duty to record statement of injured Satish, which was declined. However, nephew of injured Satish namely Ajay son of Dalbir, resident of Vishu Patti, Dhakal met the police party in the hospital and lodged a complaint to the effect that on 10.10.2021, his cousin brother Naveen son of Ram Niwas was getting engaged. In the ceremony, family members and friends were dancing to the tune of DJ. While the celebrations were going on, accused Sunny Chauhan and Govind both sons of Satpal, Mandep son of Kitab Singh, residents of village Dhakal and brother-in-law of Sunny namely Monu also arrived at the party and started dancing on the floor. When the family members and guests were dancing to the tune of DJ, his uncle Satish son of ram Kumar had a verbal altercation with Sunny, Govind, Mandeep and Monu. So that the festive mood is not spoiled, family members requested the guests to leave the dance floor and return back to their respective homes. He (complainant) and his uncle Satish also returned back to their homes. At about 8.00/8.30 P.M. when he was at his house, he heard loud noises, went out and noticed that the noise of quarrel was emanating from the house of his uncle Satish. He immediately reached at the site and saw Sunny, Govind, Mandeep and Monu assaulting his uncle. Complainant also pointed in the complaint that Govind was armed with a knife. However, on seeing him (complainant) and others approaching near the site, the miscreants fled from the spot but not before issuing life threat to his uncle. Due to injuries suffered, Satish was taken to the hospital and died during the treatment at SRS hospital at Agroha.

Learned counsel for the petitioner contends that though the

petitioner was present in the village at the time of occurrence to visit his sister's house, however, he has been falsely implicated in the present case and has no role to play in the said incident.

Learned counsel for the petitioner submits that though, the petitioner has been named in the FIR, however, no specific injury has been attributed to him. It is further submitted that there is a single blow on the person of the deceased which has been attributed to co-accused Govind. The case of the petitioner is that there is no other injury found on the person of the deceased as per the MLR and PMR.

Learned counsel for the petitioner further submits that the petitioner is a young boy of 22 years old and he is in custody since 13.10.2021. It is also submitted that all the material witnesses have been examined and have not attributed any specific role to the petitioner. He also points out that co-accused Govind is in custody and has suffered two disclosure statements and pursuant to the second disclosure statement, a knife has been got recovered from his own house, which was kept in the box of his bed.

Learned State counsel on the other hand opposes the bail petition on the ground that eye witnesses have supported the case of the prosecution. However, she is unable to dispute the fact that no specific role has been attributed to the petitioner. She also confirms that the petitioner is in custody since 13.10.2021. She is also unable to dispute the fact that the alleged recovery of the knife has been effected from co-accused Govind. She on instructions from ASI Pawan Kumar, submits that out of 24 prosecution witnesses, 05 have been examined and 04 have

been given up.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case and the fact that no specific injury on the person of the deceased has been attributed to the petitioner; no recovery is effected from the petitioner; even the material witnesses have not assigned any specific role or overt act to the petitioner; the petitioner is in custody since 13.10.2021; the trial is likely to take time, his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the above observations, which have only been made for the purpose of adjudicating the present petition for grant of bail.

September 05, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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