

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 04.04.2022

1. CRM-M-36573-2020 (O&M)

Narender @ Tinka

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-39625-2020 (O&M)

Amit @ Bhola

... Petitioner

Vs.

State of Haryana

... Respondent

3. CRM-M-2218-2022 (O&M)

Baljit @ Ashi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Gulia, Advocate
for the petitioner (in CRM-M-36573-2020).

Mr. M.S. Kathuria, Advocate
for the petitioner (in CRM-M-39625-2020).

Mr. Pankaj Bali, Advocate
for the petitioner (in CRM-M-2218-2022).

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sukhcharan Singh Gill, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to petitioners Narender @ Tinka, Amit @ Bhola and Baljit@ Ashi, in FIR No.138 dated 13.03.2020 under Sections 148, 149, 307, 323, 324, 341 IPC and Section 302 IPC (added later on), registered at Police Station Gohana City, District Sonapat.

Learned counsel for the petitioners have argued that as per allegations in the FIR, registered at the instance of Sumit (died later on), who was resident of Village Khandrai and a farmer. On 12.03.2020, a verbal fight took place between him and Sandeep son of Guglu, resident of the same village. On the date of incident i.e. 13.03.2020, at night, he was coming back to his house. It is further stated that there was a marriage in the family of Sandeep and his family was awake. On seeing him coming in the street, Sandeep raised a voice that he should be done to death. Sandeep came out with an axe (farsa), his father also came with axe (kulhari) and they were accompanied by 3-4 men and 3-4 women. Everyone was having weapons in their hands. Sandeep gave a farsa blow on his neck, which hit on the cheek and chin on his left side. Other persons also attacked with axe, knife, stick

and pricker (sua). After believing that the complainant has died, the accused persons left him in the street. It is further submitted that the victim was taken to the hospital, where the police, after seeking an opinion of the doctor, whether he is in a condition to record the statement, recorded his statement.

Learned counsel for the petitioners have further argued that all the petitioners are residents of the same village and they were not named by the victim in his statement and the motive is attributed towards Sandeep that on account of a verbal spat between them, prior to the date of incident, Sandeep and his family members attacked him and caused injuries.

Learned counsel for petitioner Narender @ Tinka submits that the petitioner is in custody for the last 01 year, 11 months and 04 days.

Learned counsel for petitioners Amit @ Bhola and Baljit @ Ashi submit that the petitioners are in custody for the last 02 years.

Learned counsel for all the petitioners submit that the petitioners are not involved in any other case and neither they were named in the FIR, as per statement of the victim nor any motive is attributed to them. It is further submitted that three co-accused of the petitioners, namely Ankit, Rohit and Ritik, have already been released on bail either by the trial Court or by this Court, considering the fact that they were also not named in the FIR, as per statement of the victim.

Status report by way of affidavit of Assistant Superintendent of Police, Gohana, Sonipat is on record, in which it is stated that after recording statement of the victim, statement of his mother namely Munni Devi was recorded, in which she named all the petitioners and other persons, who

caused injuries, though in the affidavit, it is stated that her statement was recorded on 13.03.2020, however, learned counsel for the petitioners have disputed this fact that in the vernacular of the statement, no date is given and the petitioners have been nominated later on.

Learned State counsel has further submitted that during the investigation, all the accused were arrested and recovery of their respective weapons was effected from them.

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, all these three petitions are allowed and petitioners Narender @ Tinka, Amit @ Bhola and Baljit@ Ashi are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the files of other connected cases.

[ARVIND SINGH SANGWAN]
JUDGE

04.04.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No