

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-40889-2022**

DATE OF DECISION: SEPTEMBER 13, 2022

AMIT @ SUNDA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. ADITYA SANGHI, ADVOCATE FOR THE PETITIONER.  
MR. SUKHDEEP PARMAR, DAG, HARYANA.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.347 dated 16.06.2019, under Sections 148, 149, 323, 506, 302, 120-B IPC Police Station City Narnaul, District Mahendergarh, Haryana. The petitioner is in custody since his arrest on 21.6.2019.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Narnaul in the order dated 26.6.2020, are as under:-

*“Precisely, it is the case of prosecution that on 16.06.2019 H.C. Gajraj received an information that Bhupesh son of Sandeep Lakhera, resident of Chanduwara, Narnaul was admitted in G.H. Narnaul in injured condition. H.C. Gajraj along with other police officials reached in G.H. Narnaul and obtained MLR of injured Bhupesh. It was found that he was referred to some higher medical Centre by the concerned Doctor and was admitted in NIMS Hospital, Jaipur. H.C. Gajraj moved an application to the concerned Doctor who*

*opined that injured was unfit for giving statement. On the next day, Kunal son of Sandeep, brother of injured moved an application, wherein he disclosed that he is a student and is resident of the same address. He stated that on 15.06.2019 at about 8:30 P.M. Vishnu Saini son of Rohtash Saini friend of his brother had went to attend a party and returned at about 10:00 P.M. and slept. At about 2:00 A.M., Rohit, Neeraj and Vinay came to his house and disclosed that after party of Vishnu some people came in a vehicle and some on 3-4 bikes. He referred their names as Shivdayal son of unknown, Monu Pahalwan son of unknown and 3rd as Pankaj Ghora son of unknown along with 10-15 other people. He stated that these people inflicted injuries by Lathi, Dandas/sticks on the head of the brother of complainant and escaped from the spot. They also given threat of life. They brought brother of complainant to G.H. Narnaul. In hurry complainant went to G.H. Narnaul and saw that his brother had sustained number of grievous injuries on different parts of his body. Concerned doctor referred his brother to Jaipur NIMS hospital. When complainant came to this hospital and found his brother admitted in ICU. This quarrel took place at about 11:30 P.M. and request was made by complainant for initiating criminal proceedings against assailants.”*

Learned counsel for the petitioner has argued that the petitioner has not been named in the FIR, and the similarly situated co-accused of the petitioner have already been released on regular bail by this Court. Learned counsel has referred to the orders, Annexure P-11 to P-13 and prays for release of petitioner on regular bail.

Learned State counsel assisted by ASI Kuldeep Singh while

opposing the prayer does not dispute this fact and further states that the case of the petitioner is at par with his co-accused who have been released on regular bail.

After hearing learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner are on bail, the petitioner also deserves the similar concession.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 13, 2022  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No