

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

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(I) CRM-M-44978-2021 (O&M)

Sunny @ Peda ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-47535-2021 (O&M)

Akash @ Pinna ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 17.01.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Pankaj Bali, Advocate,
for the petitioner(s).Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Sukhpal.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions i.e. CRM-M-44978-2021 filed on behalf of Sunny @ Peda and CRM-M-47535-2021 filed on behalf of Akash @ Pinna, seeking grant of regular bail in respect of a case registered against them vide FIR No.1153 dated 14.11.2019 at Police Station Sadar, Karnal, under Sections 148/149/302/341 IPC (While Sections 148/149 IPC stand deleted, Sections 379-B/34 IPC added later on).

2. The FIR was lodged at the instance of Mahender Singh, wherein it is alleged that he is working as a driver and drives Canter No.HR65-3921. On 13.11.2019, he proceeded from Ladwa to Beri, District Jhajjar for loading the cardboard in the aforesaid Canter and was accompanied by 3 labourers, namely, Jahruddin, Roop Pal and Parmod. It is alleged that at about 12:10 am, they had a small altercation with 5/6 boys, who were going in another truck ahead of them. Later, when the complainant and his companions were having tea at Chardi Kalan Hotel, 5/6 persons with whom the complainant had a altercation earlier came at the same Hotel armed with iron rods and sticks and started hurling abuses and gave beatings to them as a result of which Parmod lost his life.
3. Learned counsel for the petitioners has submitted that none of them is named in the FIR and they have been subsequently nominated as accused on the basis of an alleged secret information received by the Police, which would not carry any value and does not have any basis. Learned counsel has further submitted that in any case when the complainant, namely, Mahender Singh as well as two of the labourers accompanying him i.e. Jahruddin and Roop Pal were examined during the proceedings of trial, none of them supported the case of the prosecution and were declared hostile.
4. Opposing the petition, learned State counsel has submitted that pursuant to receipt of secret information, the accused were identified by the complainant and that iron rods were recovered from them, which would show their complicity. Learned State counsel has further submitted that while petitioner Sunny @ Peda happens to be involved in 13 other cases, petitioner-Akash stands involved in 9 other cases for offences under IPC

and thus, it is clearly evident that the petitioners are seasoned offenders.

Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 2 years & 1 month.

5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the complainant as well as two other material PWs have resiled from their statements and while also noticing that the petitioners have been behind bars for a substantial period of about 2 years & 1 month, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the connected file.

17.01.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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