

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42267-2022

Decided on: 24.11.2022

Sandeep

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.P.S. Bajwa, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. D.P.S. Jaura, Advocate for
Mr. Vikas Bishnoi, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.0149 dated 30.03.2022, under Sections 120-B, 147, 148, 294, 306, 323, 452 & 506 IPC, registered at Police Station Sadar Fatehabad, District Fatehabad.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.04.2022 and the police has already completed the investigation of the present case and thereafter, challan has been presented before the competent Court. He further submitted that now the charges have also been framed under Sections 294, 306, 323, 452 & 506 IPC. He also submitted that as per the allegations, the petitioner who is the brother of one girl, namely, Meena allegedly along with some other co-accused had beaten

up the deceased, namely, Rakesh to which the complainant, who happens to be maternal uncle of the aforesaid deceased Rakesh, had seen the incident of beatings and therefore, it has also come in the FIR that the aforesaid deceased Rakesh had stated that he was in love with the aforesaid Meena but the same was not accepted by the relatives of the aforesaid Meena including the petitioner and thereafter, the aforesaid deceased Rakesh being ashamed by beatings had committed suicide. He also submitted that there is no element of abetment in the present allegations against the petitioner and therefore, the ingredients of Sections 306 & 107 IPC are not fulfilled. He further submitted that be that as it may, the petitioner is not a habitual offender and is not involved in any other case and it is a case where the investigation of the case has been completed and now the trial of the case may take long time, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has filed reply and has submitted that it is correct that the petitioner is in custody since 04.04.2022 and the investigation of the case has been completed and now the charges have been framed. He has however stated that it is a case where the deceased Rakesh had died after being ashamed of being beaten up by the petitioner and the co-accused, since allegedly the aforesaid Rakesh had love with the sister of the petitioner.

Mr. D.P.S. Jaura, Advocate for Mr. Vikas Bishnoi, Advocate has appeared on behalf of the complainant and has also opposed the grant of regular bail to the petitioner on the aforesaid ground as stated by the learned State Counsel.

I have heard the learned counsel for the parties.

The petitioner is in custody since 04.04.2022 and he is not a habitual offender and is not involved in any other case. The investigation of the case has already been completed by the police and now the charges have also been framed by the trial Court. The trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

24.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |