

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

CRM-M-43456 of 2020 (O&M)

DECIDED ON: 30th March, 2022

Karan Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kunal Dawar, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No. 209 dated 20.6.2020, under Sections 148, 149, 323, 341, 302, 506 IPC and Section 25 of Arms Act, (Section 307 IPC added lateron), registered at Police Station Adarsh Nagar, Ballabgarh, District Faridabad, Haryana.

The FIR was at the instance of Sahil. As per the allegations on 19.6.2020, there was an altercation between the complainant and Santosh. The complainant alongwith his family members came back at the spot of altercation, Santosh was not present. They went to the house of Ravinder Thakur where Pankaj, Santosh and Dashrath attacked the complainant party with knives and gave beatings. Stab wounds were inflicted upon Sonu who succumbed to the injuries.

The petitioner is father of Dashrath and Ravinder and husband of co-accused Kamlesh. During investigation, Dashrath and Kamlesh were found innocent. The role attributed to the petitioner is that he is visible in the CCTV footage being present at the spot of incident.

Learned counsel for the petitioner submits that it is a case of false implication. The entire family was roped in. No post-mortem of the deceased was conducted, there is no cause of death available with the Investigating Agency. The petitioner is in custody since 13.7.2020, investigation is complete and the petitioner is not involved in any other case.

Learned State counsel opposes the prayer and submits that danda has been recovered from the petitioner and relies upon the pleadings of the para-3 of the reply filed.

Para-3 of the reply is quoted below:

"That the contents of para No.3 of the petition are not disputed qua petitioner is not named but it is pertinent to mention here that whole incident is recorded in the CCTV camera, where it shows that the petitioner is involved in the incident and is giving beating through danda to Sahil and danda was also recovered from the possession of the petitioner. As per statement U/s, 161 Cr.P.C. of Sajid the name of the petitioner was added;"

The observations made hereinabove are only for the purpose of deciding the regular bail and shall not be construed as an opinion on the merits of the case.

The cause of death of the deceased, at this stage, is not available. The petitioner has not been attributed any specific role, apart from his presence at the time of incident. It would be a debatable issue as to whether the recovery made at instance of petitioner connects him for active participation in the incident. The petitioner has no criminal antecedents, though investigation is complete but conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

30th March, 2022

reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*