

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

CRM-M-49083-2021 (O&M)

Date of decision: 20.09.2022

Pawan

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kulvir Narwal, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 187 dated 23.03.2018 registered under Sections 148, 149, 323, 341, 325, 506, 302, 120-B IPC, at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the FIR has been registered on the complaint of Ashok-father of the deceased, who claims himself to be an eye-witness to the occurrence; that even as per the police investigation, Veerpal had firstly reached the police post to lodge a complaint and given an application against the complainant and others for regarding beatings given to Ankit and Sunil but subsequently, the present FIR was registered on the complaint of Ashok against the petitioner and all his family members; that the petitioner was not present at the spot, but he is alleged to be armed with an

iron pipe along with two co-accused, namely, Amit @ Lala and Aman; that the petitioner has been in custody since 26.03.2018 and that co-accused Amit @ Lal has been granted regular bail by a Coordinate Bench vide order dated 08.11.2021 and thus, the petitioner be released on bail on the ground of parity.

Learned counsel for the petitioner further submits that PW-1/complainant Ashok Kumar, while appearing in Court, has though named the petitioner along with others, yet no specific role has been attributed to him and it is stated that all the accused persons, in conspiracy with each other, had attacked the complainant party and caused injuries. Learned counsel has also referred to the statements of PW-2 Pawan Kumar, PW-6 Naseeb and PW-7 Raj Singh, wherein similar allegations have been levelled. It is further submitted that all the witnesses are consistent at one point that the dispute arose when Sunil s/o Krishan came on a bicycle and frightened the grandson of Ashok Kumar (complainant) and on that occasion, a verbal spat took place between Nikesh (since deceased) and Sanjay and later on, all the accused persons, in conspiracy with each other, had caused injuries to complainant party.

Learned counsel for the petitioner also points out that if the statement of PW2-Pawan is perceived to be true, even then no injury on the person of the deceased, has been attributed to the petitioner and rather the attribution to the petitioner is of an iron pipe blows on the forehead and face of Pawan.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the

petitioner has been specifically named in the FIR; that he had actively participated in the occurrence and caused injuries with iron pipe on the head of the deceased and the blood stained iron pipe was recovered from the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been specifically named in the FIR. The specific injuries with iron pipe on the head of Nikesh and on the forehead and face of injured Pawan, have been attributed to the petitioner. On account of the injury caused by the petitioner, Nikesh died and the injuries on the person of injured Pawan, were declared grievous in nature and dangerous to life, for which Section 302, 120-B were added. Thus, this Court is of the view that the petitioner does not deserve the concession of regular bail.

This Court is of the opinion that the case of an accused has to be examined individually and that simply because the co-accused has been granted bail cannot be the sole criteria for granting bail to an accused as well.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

20.09.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No