

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45387-2022 (O&M)
Date of Decision: 11.11.2022

(I)
Mahinder and another

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-46109-2022

(II)
Sunil @ Sunil Kumar and others

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Choudhary, Advocate,
for the petitioners in CRM-M-45387-2022.

Mr. Gaurav Mohunta, Advocate with
Mr. Yashasvi Goyal, Advocate,
for the petitioners in CRM-M-46109-2022

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana

Mr. Nikhil Ghai, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

Both petitions are taken up together for final disposal with the
consent of learned counsel for the parties since the prayer in both the petitions

pertain to the grant of regular bail and they arise out of the same FIR.

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 229 dated 29.06.2021, under Sections 147, 149, 302, 323, 379-B, 506, 120-B IPC, registered at Police Station Agroha, District Hisar.

It has been jointly argued by the learned counsels for the petitioners that all the petitioners in both the petitions were exonerated by the police after thorough investigation on the ground that these persons were not even present on the spot based upon the tower locations since the tower locations of these petitioners did not match with the place of occurrence. Thereafter, the prosecution moved an application under Section 319 Cr.P.C for summoning of the present petitioners in which they were summoned. Thereafter, they have already surrendered before the learned trial Court and they were taken into custody. They further submitted that after they surrendered, they filed an application for grant of regular bail, which was dismissed by the learned trial Court. They further submitted that the main accused in the present case was one Billa who is already in custody and so far as the present petitioners are concerned, there is nothing with the prosecution to establish guilt particularly the police itself has investigated the case wherein it was found that the petitioners were not even present on the spot. Learned counsels further submitted that all the five petitioners are in custody from 05.09.2022 and now the case is fixed for consideration for framing of charges qua the petitioners. They further submitted that the main trial is still going on and the complainant namely Pardeep has already been examined. They further submitted that all the five petitioners in both the petitions have clear antecedents and they are not involved in any other case

and considering the aforesaid facts and circumstances, they may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that all the five petitioners in both the petitions were earlier exonerated by the police and thereafter on an application under Section 319 Cr.P.C filed by the prosecution, they were summoned as additional accused. He further submitted that it is also correct that all the five petitioners in both the petitions are not involved in any other case. He has however opposed the grant of bail on the ground that the matter is serious in nature.

Mr. Nikhil Ghai, Advocate appearing on behalf of the complainant has also opposed the grant of bail on the ground that the father of the complainant was killed by 5-6 persons together including the petitioners.

I have heard the learned counsel for the parties.

The petitioners were summoned under Section 319 Cr.P.C since earlier they were exonerated by the police during the investigation on the ground that their phone details did not match with the place of occurrence. After the summoning order, they filed petitions for grant of anticipatory bail before this Court but they were directed to surrender and consequently, they surrendered on 05.09.2022 and now they are in custody for about 2 months. All the petitioners are stated to be not involved in any other case and have got clean antecedents. The complainant namely Pardeep has already examined as per the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.

Consequently, both the petitions are allowed. All the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned 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 for the purpose of deciding the present petitions only.

11.11.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No