

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51928-2021

DATE OF DECISION: MARCH 28, 2022

RAJENDER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.K. LATHWAL, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.191 dated 8.6.2020, under Section 307, 323, 324, 34 IPC (Section 302, 326 IPC and Section 25 Arms Act added later on), Police station Gohana Sadar, District Sonapat, who is in custody since his arrest on 11.6.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sonipat, in the order dated 14.10.2021, are as under:-

“The brief facts of the prosecution case are that on Mohit son of Sunil who was admitted BPS Khanpur Kalan was referered to PGIMS, Rohtak as per information from Control Room, Sonipat on 06.06.2020 and another information was received in connection with quarrel. When the police reached at PGIMS, Rohtak for recording the statement of Sonu and Mohit, the doctor declared them unfit to make their statement. Even family members of the injured were not ready to give their statements and stated that they would give their own statements after their cure. Ultimately, after obtaining the opinion of the

doctor with respect to Sonu who presented a complaint to SI stating that on 05.06.2020 he and Monu son of Rajender with his friend Rahul son of Sunil reached near Gohana. There were some hot exchange between them on some issue. Mohit son of Sunil was attracted in the meanwhile who had separated them by pacifying them. Then in the evening at about 10.00 P.M. he, Mohit son of Sunil went to the house of Monu for lodging the protest. Ankit came armed with knife and even his parents started threatening them. He and Mohit came outside apprehending some untoward incident. Monu armed with Danda, Ankit armed with knife, Rajender armed with lathi and Kamesh wife of Rajender followed them. Kamlesh held him, Ankit gave 3-4 knife blows, Rajender and Monu gave lathi blows to the complainant. Monu also held Mohit in the gali and caused injuries to him. They tried to take him inside by dragging. His uncle Hari Om reached there and got them rid off from them otherwise they would have killed them.”

Learned counsel for the petitioner has produced the copy of the order dated 7.3.2022, whereby his co-accused Monu has been released on bail by the Addl. Sessions Judge, Sonipat and according to him , the case of the petitioner is at par with the said co-accused. He has further drawn the attention of the Court to the order dated 6.1.2022, whereby another co-accused Kamlesh has been released on regular bail by this Court. He has submitted that the material witnesses have been examined, but they have not supported the prosecution case, therefore, the petitioner be released on bail.

On the other hand, learned State counsel assisted by SI Satbir Singh while opposing the prayer of the petitioner has stated that the son of

accused namely, Ankit inflicted knife injury to the victim which resulted in his death and further submitted that the petitioner was also present at the spot who was armed with a (stick) danda. However, it is not disputed that the co-accused of the petitioner have been released on bail.

Considering the above background, the custody of the petitioner and the fact that material witnesses have been examined and that the co-accused of the petitioner have also been released on bail, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 28, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No