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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-3866-2022 in/and
CRM-M-51400-2021 (O&M)
Date of Decision:14.02.2022

Vakil

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhupinder Gupta, Advocate for
Mr. Gursimran Singh Madaan, Advocate for applicant-
petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Bijender Singh Dhankar, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

CRM-3866-2022

The instant application is for pre-poning the date of hearing of
the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts
notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CRM-M-51400-2021 (O&M)

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C, pending trial in case FIR No.236 dated 09.07.2020 registered under
Sections 302, 323, 148, 149, 120-B and 34 IPC at Police Station Sadar
Dabwali. The petitioner is in custody since his arrest on 16.07.2020.

The FIR was registered on the statement of Satvinder Singh and

the allegations as noticed by the ld. Addl. Sessions Judge, Sirsa in the order dated 23.11.2021 are as under:

“Satvinder Singh son of Balwinder Singh lodged an FIR to the effect that his brother Jitender alias Monu was married with Seema on account of love marriage. He got an information regarding receiving of injuries by his brother Jitender and he reached Govt. Hospital, Dabwali where he came to know that Jitender his brother alongwith his friend Arun alias Hunny was taking meal at Punjabi Dhaba near village Abub Shahar where Bandagi Ram, Goru, Kala Ram and Budhu residents of Sukera Khera came on motor cycles alongwith 18/19 persons and caused injuries to Jitender alias Monu and Arun alias Hunny with sword, Kirpan and dandas. Arun alias Hunny ran away from the spot whereas they took his brother on motor-cycle and put him in the street in front of the house of Bandagi Ram and caused him injuries with their respective weapons. Then villagers gave information. Ambulance came and Jitender was taken to Govt. Hospital, Dabwali where he succumbed to his injuries. So he prayed to take legal action against accused persons. On the basis of this statement present FIR was registered under Sections 302, 323, 148,149, 120-B and 34 IPC. ”

Learned counsel for the petitioner has argued that the case of the petitioner is at par with his co-accused, namely, Davinder Singh @ Kaku, Sukhnam, Navdeep and Kashmiri Lal, who have been released on regular bail vide order dated 08.11.2021. According to him, the petitioner was not named in the FIR by complainant Satvinder Singh and even the injured eye-witness, namely, Arun did not name him in his statement recorded under Section 161 Cr.P.C. Learned counsel has pointed out that though the charges were framed on 18.01.2021, but till date, no prosecution witness has been examined. He prays for regular bail.

Learned State counsel assisted by SI Devi Lal as well as learned counsel for the complainant do not dispute the above stand of the petitioner that his case is at par with co-accused, who have already been released on bail. Mr. Parmar, learned State counsel further states that in all,

examined so far. It is pointed out that the case is now coming up for recording the prosecution witnesses before the trial Court on 02.03.2022.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 18.01.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the similarly situated co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 16.07.2020.

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/Duty Magistrate concerned.

The petition is allowed.

14.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No