

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-177-2022

DATE OF DECISION: MARCH 4, 2022

KUNDAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. BAIRAGI, 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.314 dated 10.8.2020, under Section 148, 149, 323, 341, 332, 353, 379-B, 186, 506 IPC, Police Station Indri, Karnal, who is in custody since his arrest on 9.11.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Karnal in the order dated 6.12.2021, are as under:-

“In brief, the allegations against the applicant-accused as per police reply are that on 10.08.2020 a rukka alongwith MLRs of injured Pardeep son of Jarnail Singh and Parminder son of Joginder were received at the police station from CHC Indri. Upon this, ASI Gurjit Singh alongwith another police official reached CHC Indri where injured Pardeep son of Jarnail Singh met him and presented an application to the effect that he (HC Pardeep Kumar No.1/12 SET) is posted in Mining Department, Haryana. During the intervening night of 9/10.08.2020, he alongwith his team Ct. Dharmender No.932 KNL., Ct. Ravinder No.627 YNR., Ct. Parminder

Singh No.381 YNR and Ct. Sanjeev No.88 YNR was present at Village Garhi Birbal, P.S. Indri to check illegal mining. Ct. Parminder and Ct. Ravinder were in civil dress and Ct. Dharmender and Ct. Sanjeev were in uniform. Ct. Dharmender, Ct. Sanjeev and Ct. Ravinder were in a private car bearing no. HR-92-6612 and he alongwith Ct. Parminder were on a private motorcycle. At about 02:30 am, one tractor of make Sonalika alongwith trolley loaded with sand came from the side of Village Chandrao. Upon seeing the tractor-trolley, Ct. Dharmender and Ct. Sanjeev gave signal to stop the same. Then, tractor driver stopped and upon asking him to produce bill of the sand loaded in trolley, he told that there was no bill of sand as sand was brought illegally from Yamuna river. Thereafter, Ct. Ravinder sat on the tractor-trolley and asked tractor driver to take it to Police Station Indri. At about 03:00 am when they reached the road near Village Khera, then a car came all of a sudden from a kucha road on the left side and stopped the tractor-trolley. Thereafter, five persons came out from the car and at the same time, two motorcycles on which five persons were riding stopped behind them. The persons who came on motorcycles were armed with dandas and pipes. Out of them, one stated that Intzar let us teach them a lesson. Another person called out to persons ahead of tractor trolley and stated that Anwar let us teach them a lesson. Upon this, the five persons ahead of tractor-trolley took out swords and dandas from the car and came near them. Thereafter, they all attacked them with swords, dandas and pipes with intent to kill them. In this attack, he sustained injuries on his legs, arms, head and waist and the said persons also inflicted injuries upon Ct. Parminder. When they raised hue and

cry, then the assailants snatched his mobile phone of make Samsung from his pocket alongwith two currency notes of denomination ₹500 each kept inside the cover of mobile and fled away from the spot alongwith their respective weapons. He and Ct. Parminder can identify the assailants in case they came in front of them.”

Learned counsel for the petitioner has argued that on the basis of disclosure statement of co-accused, namely, Anwar the petitioner was implicated and as the said accused has already been released on bail vide order dated 28.10.2021, passed by this Court in CRM-M-43809-2021, therefore, further custody of the petitioner may not be necessary particularly, when he is not involved in any other case of similar nature. He prays for bail.

On the other hand, learned State counsel assisted by PSI Ramkaran does not dispute this fact that the petitioner was implicated on the basis of disclosure statement of co-accused who is on bail. According to him, the prosecution evidence is yet to be recorded and the case is coming up for hearing before the trial Court for the said purpose on 7.3.2022.

Considering the above background, the custody of the petitioner, stage of trial and the fact that co-accused of the petitioner has already been released on regular bail, the 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 4, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No