

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232

CRM-M-58695 of 2022
Date of Decision:21.12.2022

Bhim Sain and another

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. DPS Bajwa, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.0149 dated 30.03.2022, under Sections 120-B, 147, 148, 294, 306, 323, 452, 506 of the IPC (however final report under Section 173 of the Code of Criminal Procedure has been submitted under Sections 294, 306, 323, 452, 34, 506 IPC), registered at Police Station Sadar Fatehabad, District Fatehabad.

It has been submitted by the learned counsel for the petitioners that the petitioner No. 1 is in custody from 05.04.2022 and petitioner No. 2 is in custody from 04.04.2022. He submitted that the investigation of the case has already been

completed and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court and now even the charges have been framed by the learned trial Court. He further submitted that as per the allegations, petitioner No. 1 is cousin and petitioner No.2 is uncle of Meena who allegedly alongwith other co-accused had beaten up the deceased namely Rakesh of whom the complainant is the maternal aunt. He further submitted that it has also come in the FIR that the aforesaid deceased Rakesh had stated that he was in love with the aforesaid Meena but the same was not accepted by her relatives including the petitioners and thereafter the aforesaid deceased Rakesh ashamed by the beatings had committed suicide. He submitted that even as per the allegations the offence of Section 306 IPC was not made out because the essential conditions of Sections 306 and 107 IPC were not fulfilled. He further pointed out that the other co-accused namely Sandeep who is at parity with the petitioner has been extended the benefit of regular bail by this Court in CRM-M-42267 of 2022 on 24.11.2022 vide Annexure P-5 and the petitioner is not a habitual offender and is not involved in any other case and since the investigation of the case is completed therefore he may be considered for the grant of regular bail

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that petitioner No. 1 is in custody from 05.04.2022 and petitioner No. 2 is in custody from 04.04.2022 and now after the completion of the investigation charges have been framed and it is also correct that the other co-accused namely Sandeep has already been extended the benefit of bail by this Court against whom similar allegations were made.

I have heard the learned counsel for the parties.

The other co-accused namely Sandeep who is parity with both the

petitioners has already been extended the benefit of regular bail by this Court vide Annexure P-5 and the investigation of the case has been completed and the charges have been framed and the trial of the case may take long time. Both the petitioners are not stated to be habitual offenders and are not involved in any other case as per the learned counsel for the parties. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case both the petitioners are released on bail, then they may abscond from justice or they may repeat the offence.

In view of the aforesaid facts and circumstances, the present petition is allowed. Both the petitioners shall be released on regular bail if not required in any other case 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 only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

December 21, 2022

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