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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-1558-2023

Date of decision : 11.08.2023

Mohan**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Dr. Vivek Singla, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.99, dated 26.04.2020, registered for the offences punishable under Sections 302, 323, 120-B, 34 and 216 of IPC, at Police Station Nissing, District Karnal.

2. In FIR, it has been alleged as under:-

I am resident of abovesaid address and working on Trala (Truck) as driver since 20-3 yours. We are two siblings. Ramnath is elder to me. My uncle Balbir is having two sons. Kuldeep is elder and Sonu is younger one, aged about 23 years. On 19.04.2020 at about 11 AM, Randip son of Samay Singh, Caste Rajput, resident of Gonder took along my cousin Sonu, free his house, but Sonu did not return back till evening. The parents of Sonu kept on waiting for him whole night, but he did not come back home. In the morning at about 8 AM, we came to know that Sonu is lying un-conscious on the bank

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of Nadrak river (Canal). On this information, elder brother of Sonu i.e. Kuldeep reached at the spot. Sonu was lying un-conscious. One motorcycle Slender coloured Black, bearing Registration No. HR-05-AY-9510 was standing at the spot. Kuldeep brought Sonu in his car to Civil Hospital Nissing for treatment, but he was referred to Karnal, due to multiple injuries. Police had also reached at the spot, but as we were not aware about anything, so no statement was made by us. Thereafter, due to excessive injuries my cousin Sonu was referred to PGI Rohtak from Karnal. Today, I was present in my house at Gonder, then I received telephonic message that my cousin Sonu has died, during treatment on account on injuries. On 19.04.2020 above Randeep, his brother Pammi son of Samay Singh, Caste Rajput, resident of Gonder, Karnal, Gaurav son of Vedpal Rajput and Rahul son of Birja Rajput, resident of Gonder had caused injuries to my cousin after calling him from his house, on account of quarrel, which took place 10 days prior to that, due to which my cousin Sonu has died today at PGI Rohtak on account of injuries caused by above persons.”

3. Counsel for the petitioner submits that the petitioner was not named in the FIR, but was nominated on the basis of disclosure made by Randeep and Gaurav @ Kaicha. Gaurav @ Kaicha stands admitted to bail vide order dated 14.07.2023 passed in CRM-M-27312-2023. Petitioner has suffered incarceration of more than 03 years, 01 month and 19 days during the trial and thus claims parity.

4. Learned State counsel is not in a position to controvert the assertions made by counsel for the petitioner on the basis of the record

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and admits that apart from disclosure suffered by Randeep and Gaurav @ Kaicha, there is no other independent evidence against the petitioner.

5. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that Gaurav @ Kaicha who was named in the FIR and on whose disclosure, present petitioner has been nominated already stands admitted to bail, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No