

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

1. CRM-M-3568-2022

Budh RamPetitioner

versus

State of Haryana Respondent

2. CRM-M-11381-2022

Sukhpal Singh @ Sukhpal @ KalaPetitioner

versus

State of Haryana **....Respondent**

3. CRM-M-13152-2022

Bandagi Kumar **....Petitioner**

versus

State of Haryana **....Respondent**

Date of decision : 25.05.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Divya Narula, Advocate for
Mr. Ajay Arora, Advocate (in CRM-M-3568-2022)
Mr. Paras Jagga, Advocate (in CRM-M-13152-2022)
for the petitioners.

Mr. B.S. Virk, Senior DAG, Haryana.

Mr. Atul Prataap Dhankar, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

This order will dispose of abovesaid three petitions as they have arisen out of the same FIR.

Petitioners have approached this Court praying for grant of regular bail in case FIR No.236 dated 09.07.2020 under Sections 148, 149, 323, 364, 302, 120-B of the Indian Penal Code, registered at Police Station Dabwali Sadar.

Learned counsel for the petitioners have submitted that the petitioners have been falsely implicated in this case. It is submitted that the co-accused namely, Davinder Singh, Sukhnam, Navdeep and Kashmiri Lal have been granted bail by this Court vide order dated 08.11.2021 and the case of the petitioner is at par with that of the co-accused. It is argued that there is a contradiction in the statement made by the complainant at the initial stage and that made thereafter under Section 161 Cr.P.C. They have submitted that the investigation has already been completed. They further submitted that no specific injury has been attributed to the petitioners and there are general and vague allegations made against them. It is further submitted that the ocular version is not medically corroborated. They have submitted that the petitioners are behind bars from last about three years and till date, the trial has not been concluded and thus, they deserve to be granted bail.

Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the petitioners are specifically named in the FIR. He submits that the petitioners were duly armed with weapon and they caused injuries to the deceased. He has drawn the attention of this Court to the status report filed wherein it has been mentioned that during investigation, pendrive was produced which contained the video footage and the accused-petitioners were seen taking Jitender @ Monu i.e. the deceased on the

motorcycle and beating the deceased. He has further submitted that during investigation from Bandagi, recovery of motorcycle and sword had been effected; from Budh Ram, recovery of wooden danda and from Sukhpal @ Kala recovery of wooden danda and mobile phone samsung had been effected. He has submitted that the occurrence has taken place during the pandemic and it is because of the same, trial was delayed. However, the petitioners not only specifically named in the FIR but have played an active role in committing the murder of the deceased. He submits that out of 35 prosecution witnesses, only 01 witness has been examined. He further submits that the case of the petitioners is totally different from that of the co-accused who have been granted bail by this Court. He submits that granting bail to the petitioners would prejudice the ongoing trial and thus, the petitioners have no case for the grant of bail.

Heard. After hearing counsel for the petitioners and perusing the record, it is apparent that the petitioners are behind bars from last about three years. However, the occurrence in question has taken place during the pandemic. All the petitioners are specifically named in the FIR and they have allegedly caused injuries to the deceased with the weapon they were carrying. During investigation, the recoveries have also been effected from the petitioners. On perusal of the record, the case of the petitioners is distinguishable from that of the co-accused who have been granted bail by this Court vide order dated 08.11.2021. The prosecution has cited 35 prosecution witnesses, out of which only 01 witness has been examined so far. In the facts and circumstances, this Court does not find any merit in the petitions filed by the petitioners and thus, the same are declined. However, the Court cannot ignore the fact that the petitioners

are behind bars from last about three years. Keeping in view the custody period of the petitioners, learned trial Court is requested to expedite the trial and conclude the same preferably within six months from today.

Disposed of accordingly.

Photocopy of this order be placed on the file of connected cases.

25.05.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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