

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

206

2023:PHHC:096951
CRM-M-13805-2022 (O&M)
Date of decision: July 28th, 2023

Sanjay Nath

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0178 dated 18.08.2020 lodged under Sections 147, 149, 302 of the Indian Penal Code, 1860 at Police Station Julana, District Jind.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner for allegedly assaulting the deceased along with co-accused as a result of which he sustained some injuries and on being removed to the hospital, succumbed to the same.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the FIR in question was promptly lodged and the petitioner was named therein. In addition, it is a case of eyewitness account and the prosecution witnesses have supported the case of the prosecution in its entirety. It has been further submitted that the ocular testimony finds due corroboration with the medical evidence.

In support, learned counsel has drawn the attention of this Court to the post-mortem report (Annexure R-1). He submits that out of total 31 prosecution witnesses, nine witnesses have been examined.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As per allegation levelled in the FIR, the deceased had gone to the temple of Baba Gusai on 17.08.2020 at about 8:00 PM. The petitioner telephoned the cousin of the deceased, Karam Singh asking him to take the deceased away, as he could cause some dispute. However, when Karam Singh and the complainant, pursuant to the phone call, reached the temple, the petitioner along with two of his associates was assaulting the deceased with sticks while two others were dragging him away. On seeing the complainant and Karam Singh, all the five persons including the petitioner fled away, by leaving the deceased in a severely injured condition. The deceased was removed to the hospital immediately from where he was referred to PGIMS, Rohtak, where he was declared dead.

6. There are serious allegations levelled against the petitioner of brutally assaulting the deceased which finds due corroboration with the medical evidence on record. The eyewitnesses have supported the case of the prosecution as per instructions received by the learned State counsel.

7. In the facts and circumstances, as enumerated hereinabove, the petitioner does not deserve the concession of bail.

8. The petition, therefore, stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. At this stage, learned counsel for the petitioner prays that the trial Court may be directed to expedite the trial as the petitioner has been in custody since 19.08.2020.

11. The trial Court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of six months from today.

July 28th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No