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(232) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16617-2023 (O&M)
Date of Decision: 01.08.2023

CHARANJEET @ KAKA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.139 dated 01.07.2021 (Annexure P-1) registered under Sections 148, 149,302, 120-B, 201 IPC at Police Station Buria, District Yamuna Nagar.

2. The present FIR came to be registered at the instance of Chand son of Nasir Hasan, who stated that he was a driver. He had 9 brothers and sisters and one of his brothers namely, Shadab (deceased) was about 28 years old. On 01.07.2021, he received information from one Pintu Rana a friend of his brother Shadab that 10-12 boys had caused injuries to his brother on the bridge of Amadapur and had fled away. Based on this information, he went to the spot along with his brothers Tajim, Mausin and Rijwan. The villagers had already called an ambulance to the spot. He along with his brothers took the injured brother Shadab to the Civil Hospital, Yamuna Nagar from where

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he was referred to the hospital at Chandigarh. However, on the way his condition deteriorated and his brother was got admitted at Gaba Hospital, Yamuna Nagar where he expired. He had come to know that on account of an old enmity, Abhishek Kamboj alias Shaka, Sonu Gujjar son of Satpal, Bilal son of Matlub, Usman son of Waqil, Charanjit Rana (petitioner), Abid and Monty had caused injuries on account of which his brother had expired. There were other 10/12 other unknown persons. Action was sought against the accused.

One Mohit son of Jagbhushan was arrested on suspicion and he named Sachin Saini (granted bail vide order dated 09.01.2023 passed in CRM-M-22870-2022), Bilal, Aarif (granted bail vide order dated 01.03.2023 passed in CRM-M-9896-2023), Vasim Akram (granted bail vide order dated 15.02.2023 passed in CRM-M-7242-2023), Intjar (granted bail vide order dated 21.03.2023 passed in CRM-M-12815-2023), Shehban Khan, Charanjit Rana (petitioner) and Kapil @ Kaplu (granted bail vide order dated 09.02.2023 passed in CRM-M-41251-2022).

During further investigation, Bilal who had been duly named in the FIR was arrested and disclosed the name of Mohit son of Jagbhushan, Sachin Saini (since granted bail), Bilal, Aarif (since granted bail), Vasim Akram (since granted bail), Intjar (subsequently known as Mohd. Suleman @ Intjar and granted bail), Shehban Khan, Charanjit Rana (petitioner) and Kapil @ Kaplu (since granted bail) as the accused who had caused injuries with an intention to kill.

3. The learned counsel for the petitioner contends that though the petitioner had been named in the FIR, but no specific role has been attributed to him. The FIR had been registered on a mere hearsay version of the complainant. Only a wooden *Danda* had been recovered from the petitioner which had not been found to be blood-stained. As various co-accused of the petitioner had been granted the concession of bail, the petitioner was entitled to the similar concession, since he was in custody since 25.04.2022 and none of the 46 prosecution witnesses had been examined so far.
4. On the other hand, the learned State counsel contends that the petitioner was duly named in the FIR. The deceased namely, Shadab had been brutally assaulted with multiple injuries being caused to him. The co-accused of the petitioner who had been granted the concession of bail had not been named in the FIR but came to be named during the course of investigation. Therefore, the case of the petitioner was not similar to that of his co-accused and so the petitioner was not entitled to the grant of bail.
6. I have heard the learned counsel for the parties at length and gone through the record.
7. In the instant case, the postmortem of the deceased-Shadab would reveal as many as 13 injuries. The injuries are reproduced herein below:-

	<i>Information of External Injuries</i>		
<i>Sr. No.</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury number</i>
1.	<i>Stitched wound around 4cm over mid of scalp region with bleeding from both nostrils on exploration of skull intracranial bleed present in vault.</i>	<i>No</i>	<i>1</i>

2	<i>Stitched wound around 1cm present over right side of forehead.</i>	No	2
3	<i>Multiple abrasions of various sizes and shapes present over right shoulder.</i>	No	3
4	<i>Multiple reddish bruises of various sizes and shapes present over right arm.</i>	No	4
5	<i>Stitched wound around 3cm over right elbow.</i>	No	5
6	<i>Multiple reddish abrasions of various sizes and shapes present over right forearm and right hand.</i>	No	6
7	<i>Multiple reddish abrasions of various sizes and shapes present over right elbow.</i>	No	7
8	<i>Multiple reddish abrasions of various sizes and shapes present over right knee joint.</i>	No	8
9	<i>Stitched wound around 1.5cm just below right knee joint.</i>	No	9
10	<i>Two stitched wounds around 3cm, 2cm present over right leg mid shaft region with fracture of both bones right leg seen.</i>	No	10
11	<i>Stitched wound around 3cm just below left knee joint.</i>	No	11
12	<i>Two stitched wounds around 4cm, 1.5cm present over left lower leg with fracture of both bones left leg seen.</i>	No.	12
13	<i>Multiple bruise of various sizes and shapes present over left thigh.</i>	No	13

8. A perusal of the injuries as mentioned in postmortem report would show that the deceased has been brutally assaulted by the accused. The petitioner is duly named in the FIR as being one of the assailants. The co-accused who had been granted the concession of bail were given the benefit of doubt on account of the fact that they had not been named in the FIR but came to be named during the course of investigation. The case of the petitioner, therefore, cannot be equated to that of his co-accused who have been granted bail.

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9. In view of the serious nature of the allegations levelled against the petitioner which is further borne out from injuries suffered by the deceased, the petitioner does not deserve the concession of bail. Therefore, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.08.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No