

(228)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22420-2023
Date of Decision: 18.07.2023

SUMIT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. 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.84 dated 28.02.2021 (Annexure P-1) registered under Sections 148, 149, 302, 323 of IPC and Sections 427 and 325 of IPC added later on at Police Station Sadar Rohtak.

2. The present FIR came to be registered on the statement of Suresh son of Shri Krishan who stated that on 27.02.2021 at about 08.30 PM, he was sowing wheat in his fields using a tractor. His younger brother Sunil (deceased) and his nephew Manjit (injured witness) came there. He left Sunil and Manjit at the tubewell and went home. On 28.02.2021, when he (complainant) along with Balwan son of Dharam Singh and Babu son of Prem Singh reached the fields, they saw that the tractor was in running condition and his younger brother Sunil was lying dead in the field. They searched for Manjit and found him in a fodder room. On asking, Manjit

disclosed that at about 11-12 PM in the previous night Ankit, Sumit (petitioner) son of Naresh, Monu son of Satyavan, Sachin son of Balraj and Aditya son of Narendra along with some unknown persons had come along with Jellies, Lathis, Dandas and iron rods and had attacked Sunil with their weapons. They also gave beatings to him (Manjit) with a Lathies and Dandas. On account of fear, he (Manjit) had hidden himself in the room.

3. The learned counsel for the petitioner contends that as many as 10 out of the 30 prosecution witnesses have been examined so far. All material witnesses namely, PW1-Suresh Kumar (complainant), PW8-Manjit Singh (injured witness), PW4-Rohtash and PW5-Balwan have turned hostile. All the co-accused of the petitioner namely, Ankit, Monu, Sachin and Aditya alias Sunny have been granted the concession of by the Trial Court. As the petitioner was in custody for the last more than 2 years, he was entitled to the similar concession.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused had committed a heinous offence and therefore, he was not entitled to the concession of bail. He, however, concedes that the material witnesses have been examined and have turned hostile as also the fact that all the co-accused of the petitioner have been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is stated to be in custody for the last more than 2 years. 10 prosecution witnesses out of the 30 cited in the list of witnesses already stand examined. Four material witnesses have been

examined and have turned hostile. Four co-accused of the petitioner have been granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sumit son of Naresh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.07.2023

JITESH

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