

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40060-2022
Reserved on: 30.01.2023
Pronounced on: 06.02.2023

Karan Singh @ Montu @ Monu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Panwar, Advocate and
Mr. Amandeep Rana, Advocate
For the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Saurabh Sharma, Advocaet for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
282	21.09.2020	Naraingarh, Distt. Ambala	148, 149, 302, 307, 323, 324, 452, 506 & 120-B IPC and 25 of Arms Act

1. The petitioner incarcerating upon his arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s counsel opposes the bail. The contention of behalf of the complainant is that the petitioner is not entitled to bail on parity because the accused who were granted bail, were not attributed any injury to the deceased, whereas, the present petitioner caught hold of the deceased and in that process some of them caused injuries.

REASONING:

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that accused Parmal wanted to buy a cow from them and for that purpose, he visited their house at around 2pm. On their refusal to sell the cow, he started assaulting him, after sometime he again assaulted him on road at 5.30 pm., when he along with his *chacha* and other persons were collecting paddy that had been spread for drying, then at that time, Parmal, Randip, Happy, Ranjaur Hussan Pal, Monu (present petitioner),, Narpat and Chohal Singh came there and attacked the victim with knife, sword and danda.

6. This court had granted bail to the co-accused vide order dated 06.05.2022 passed by this Court in CRM-M-51931-2021. It would be relevant to extract the reasoning of the said order which reads as follows:

“6. Although the petitioners had also accompanied the other accused to the spot yet, it was not mentioned that they had also carried any weapon. The role of the petitioners is that they had inflicted danda blows on Ankush. As per MLR, Ankush had complained of pain in the lower leg, but the doctor did not notice any external injury. Needless to say, the petitioners have been arraigned as accused with the aid of section 149 IPC, i.e., to meet a common object of assaulting the deceased and Ravinder. Whether the petitioners had a common object with the main accused or not is highly debatable. Any further discussions are likely to prejudice the prosecution’s case and the case of the remaining accused. The petitioners are first offenders, and one of the relevant factors would be to provide an opportunity to course-correct. Even a prima facie perusal of paragraph 4 of the bail petition needs consideration for bail.”

7. The allegations against the petitioner are that Ranjor Singh and Petitioner Karan Singh caught hold of Hem Singh, and his accomplice Parmal, who had stabbed the deceased with it, leading to his death. The role of the petitioner is serious and offence heinous. Thus, the petitioner is not entitled to bail on parity with co-accused who got bail because they were unarmed and did not play any active role. The evidence collected so far points out that the accused brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage.

8. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. However, considering the custody since 21-09-2020, the trial be expedited, and efforts be made to conclude the same by 30-04-2023.

The expediting of the trial is subject to the condition that the petitioner shall not seek any adjournment and if he does so, this order shall stand recalled automatically under section 362 read with 482 CrPC, without any further reference to this court. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

06.02.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.