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

**CRM-M-41412-2022 (O&M)
Date of Decision: 05.07.2023**

KARAMJEET ALIAS DHOLIA

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Ramesh Kumar Amvabata, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.175 dated 19.06.2021 registered under Sections 302/34 IPC, 1980 at Police Station Sadar Hansi, District Hansi. The petitioner is in custody since his arrest on 18.06.2021.

The FIR was registered on the basis of complaint given by Ranbir and the allegations as noticed by the Addl. Sessions Judge, Hisar in the order dated 31.08.2022 are as under:

“As per prosecution allegations, the present case was registered on a complaint made by Ranbir son of Ram Bhagat, wherein he alleged that on 18.06.2021 Mannu son of Har Chand, resident of Sultanpur made a call on Mobile No. 97291-24990 of his brother Wazir and called him to their house to have some talks. Thereafter at about 6:00PM, he alongwith his brother Wazir Singh reached Sultanpur by motor cycle bearing Registration No. HR-21E/8213 make CT-100. Surjeet @ Jhabru son of Maman, resident of Umra met them at the bus stand of village Sultanpur. Thereafter they all three reached house of Mannu where Manjeet and Dholia sons of Mannu were also present. Mannu asked his brother that he has got performed certain sorcery activities over his son Dholia. However, he and his brother refused that they did anything. Upon this, they started quarreling with them. In the meantime,

Manjeet picked up a spade lying in his house and gave its blow on the forehead and right eye of his brother Wazir. Thereafter Mannu gave a binda (baton) blow on the leg of his brother Wazir. Thereafter Mannu, Manjeet and Dholia jointly gave spade and binda (baton) blows besides giving kicks and punches to his brother Wazir. When they raised alarm, neighbourers assembled at the spot. Upon seeing them, Mannu, Manjeet and Dholia ran away from the spot alongwith their respective weapons. His brother Wazir died at the spot on account of injuries sustained in this occurrence.”

Learned counsel for the petitioner has argued that as per allegations in the FIR, accused Mannu had called the complainant (Ranbir) and his brother (Wazir), who were also accompanied by another person, namely, Surjeet @ Jhabru, where the alleged injuries were suffered by victim Wazir. He submits that as per the allegations after the talk, suddenly Manjeet picked up a spade and gave a blow on the forehead of the victim, whereas another blow is attributed to co-accused Mannu. According to the learned counsel, the petitioner is only attributed fist and slap blows and co-accused of the petitioner, namely, Angoori has already been released on bail by this Court vide order dated 10.03.2022. He submits that the material eye-witness, namely, Ranbir has already been examined, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Sandeep has opposed the prayer on the ground that the offence is serious in nature and the petitioner's name figures in the FIR. He submits that the petitioner's involvement in the crime is established in view of the deposition of complainant Ranbir. He prays that the petition be dismissed.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioner was arrested on 18.06.2021 and is confined in judicial custody since then. In all,

there are seventeen prosecution witnesses and out of it, eight witnesses have been examined including the material eye witness, namely, Ranbir. Apart from it, considering the role attributed to the petitioner and the fact that the conclusion of trial would take a long time to conclude, the further detention of the petitioner behind the bars may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, concerned.

The petition is allowed.

05.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No