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

CRM-M-40717-2023
Date of decision : 08.11.2023

NARESH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Abhishek Chha, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.139 dated 30.04.2023 registered for the offences punishable under Sections 323, 308, 195-A, 506, 34 of the Indian Penal Code, at Police Station Civil Lines, District Sonipat (Haryana).

2. Custody Certificate of the petitioner has been filed. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxTo, The SHO Sahib Police Station Civil Line, Sonipat. Sir, it is respectfully submitted that I am Mukesh S/O Dayannad permanent resident of Lal Darwaja, Sonipat that on 30.04.2023, a telephonic information was received from Control Room, Sonipat that Dayanand has been brought dead in General Hospital, Sonipat. On this information, P/ST Manish along his

colleagues went to the hospital and collected Ruqqa. After sometime, Mukesh son of deceased reached there and move a complaint. In his complaint, he disclosed that on 29/30.04.2023 at 08.00 PM he along with his brother Virender was coming to his house. On the way, they found Gulshan and Sandeep sitting there. As Gulshan has removed the battery of his bike, therefore, he (Complainant) asked him to return the same. Both the above named persons were under the influence of liquor and got enraged. They started giving beating to complainant and his brother Virender. They were rescued by the passers by Sandeep nurtures grudge as in the year 2016 has given beating to the brother and father of complainant and qua that incident FIR is registered in PS City, Sonipat. His brother and father are witnesses in that case. Later on, in the night at 10.30 PM Sandeep in preconcert with his family members started abusing the complainant party. The accused party was having iron rod and Danda. As soon as complainant came out of the house then Sandeep gave a hit at the head of complainant. When complainant raised noise, then Dayanand father of complainant, his mother and brothers came out but accused also gave beatings to them. Sandeep and Naresh felled his father Dayanand down by gripping him from the neck. His father become unconscious and received serious injuries. Thereafter, accused party said that in case they (complainant) gave evidence in the case registered against them in 2016 then they would be killed. Thereafter, assailants went from the spot. They brought their father to Krishnawati Hospital, then Handa Hospital but hospital authority asked them to take their father elsewhere and especially in Civil Hospital. When Dayanand was brought in Gernal Hospital, Sonipat, then doctor declared him brought dead and after medically examined me and my brother's MLR. Therefore, the above accused has caused injuries to me and my brother and my family members and they has killed my father by giving injuries. Strict legal action should be taken against the above culprit, the applicant SD/- Mukesh s/o Dayananad resident of Lal Darwaja,

Sonipat Date 30/4/2023. Action Police - Today, on 30/04/2023, telephonic information was received from control room that Dayanand s/o Chandrabhan r/o Lal Darwaja Sonapat has been brought dead in GH Sonipat, on which information Maan P/SI along with ASI Munish 13 SPT with HC Shivmuni 628/ SPT with HC Sunil 417/SPT reached at GH Sonipat and received the information that death of deceased Dayanand and after waiting the deceased's son Mukesh at GH SONIPAT, who presented the above complaint to the PSI from which crime is found to be punishable under sections 323, 302, 195A, 506, 34 IPC, a case has been registered for getting Tahrir Hajja. HC Sunil 417/SPT is being sent to police station. Case number should be informed. xxx”

4. Counsel for the petitioner submits that the petitioner is in custody for more than 5 months and 24 days. Investigation already stands concluded and challan stands presented. Thus there can't be any apprehension that the petitioner shall tamper with the evidence and the custody cannot be prolonged as a punitive measure.
5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

November 08, 2023	(Pankaj Jain)
Dpr	Judge

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