

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 06.12.2023

1. CRM-M-56026-2023

Vikramjeet Petitioner

versus

State of Haryana Respondent

2. CRM-M-55861-2023

Ajay Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amit Khatkar, Advocate
for the petitioner(s).

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioners in case bearing FIR No.610
dated 18.11.2022, registered for the offences punishable under Sections
302 and 34 of IPC, at Police Station Jind, District Jind.

2. FIR came into being on the statement of one Pankaj, who
alleged as under:-

“I am a resident of the above address, I run a
grocery shop in Haqiqat Nagar, Jind. We are two
brothers and one sister, elder brother is Sandeep

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Kumar, followed by my sister Ritu and the youngest one is me. I and my brother Sandeep Kumar live together, my father died about three years ago, my mother Phula Rani is alive, my mother Phula Devi and four sisters who are my aunt Vina Rani and my aunt Ashok Setia resident of Madh, District Fatehabad. My aunt Vina died about 15/16 years ago. After her death, my aunt's son Kamal and daughter Seema Rani were brought up by my parents who right from the beginning lived with us in Haqiqat Nagar Jind. Kamal who was married about 3 years ago to Varsha Rani resident of Siwani district Bhiwani, she left my brother after 10 days of the marriage and now my aunt's son Kamal lived with us and used to sell clothes on a moped. My brother Kamal used to work as a street hawker. He had borrowed some rupees from Ajay, resident of Khatkar, who has built his office near Rapiya Chowk. In exchange of this money, Ajay used to take money from my aunt's son every month. On 17-11-2022, at around 5 pm, three boys came to my shop. At that time, my maternal aunt's son Kamal was sitting in my shop. At that time, Ajay had told my brother Kamal to return all his money. On which Kamal told Ajay to give him some time and said he will soon arrange for his money, on which Ajay became angry and said that if you do not give the money tomorrow, then you will have to face the consequences yourself. After that they all left from there. Today at around 3.30 in the evening, I was sitting with my friend Rajat at his house, when at that time my brother Kamal came running to Rajat's house, followed by three youths on a motorcycle. The boys also came to

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Rajat's house and as soon as they came, they started beating Kamal with the intention of killing him, I and Rajat tried to intervene but those three boys did not listen to us and they kicked Kamal out of anger and made him fall on the ground and my brother Kamal, who was lying on the ground, was hit by Ajay resident Khatkar, who was among those three boys, in the chest of my brother Kamal. They kicked and beat my brother Kamal angrily. After hearing the noise in the street, seeing people from the neighborhood coming to the spot, Ajay resident of Khadkar and his friends jumped on their motorcycle No. HR-32F-4756 and ran away from the spot. After that, I and Rajat took care of my brother Kamal and after arranging the resources, I, my brother Sandeep and other family members brought my brother to the government hospital, Jind, where the doctor declared my brother Kamal dead. This happened due to the beating done by Ajay resident Khatkar and his friends. I can recognize his friends who came with Ajay when they come forward. A statement has been written that the strictest legal action should be taken against Ajay resident of Khatkar and his friends.”

3. Counsel for the petitioners submits that the complainant Pankaj appeared as PW-1. His statement is on record as Annexure P-3 from which it is evident that he did not support the prosecution. Likewise, Rajat s/o Prem Kumar in whose house the occurrence is stated to have taken place appeared as PW-4 and he also did not support the prosecution case. Likewise, another witness Sandeep Kumar who has as per FIR accompanied Pankaj and Rajat to take the deceased to

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the hospital also did not support the prosecution. Counsel further submits that in the post mortem report, no injury was found on the body of the deceased.

4. Keeping in view the fact that the complainant as well as the other eye witnesses have resiled from their version and have not supported the prosecution, without commenting on the further merits of the case and keeping in view the fact that petitioners have no criminal antecedents, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

6. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

06.12.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No