



CRM-M-8419-2024 (O&M)

-1-

280

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8419-2024 (O&M)

Date of Decision:- 17.07.2024

Suraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

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

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Suraj has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 318 dated 20.08.2022 registered under Sections 148, 149 and 302 of Indian Penal Code, 1860 (for short 'IPC') at Police Station Rai, Sonipat (Annexure P-1).

2. Facts of the case are Satpal complainant gave his statement to police that on 19.08.2022 at about 03:00 PM, his son Ashok alias Bittu, aged about 20 years had gone to tea shop of his uncle Sikander but his son did not return home at night. On 20.08.2022 at about 09:00 AM, he saw his son stumbling and falling in street in front of his house. Ashok alias Bittu was brought in the house who disclosed that he was tied with an electric pole in front of shop of his younger brother Sikander where Deepak son of Baljeet was also present on the spot. His son was beaten up by his brother Sikander, his sons Suraj and Sawan, Praveen s/o Balwan, Pradeep s/o Jaikaran, Paramjeet and one more person. A video regarding beating given



to his son was also prepared. His son died because of injuries caused to him in the said occurrence.

3. Learned counsel for petitioner argued that allegations levelled against him are false. He is not seen in the said video. During trial, statement of Manoj, brother of deceased was recorded where he could not see present petitioner. Petitioner is juvenile. Social Background Report conducted by Child Welfare Police Officer is Annexure P-3. Petitioner is in custody since 22.08.2022. He is ready to abide by terms of bail order. It is submitted that his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. It is confirmed that present petitioner Suraj was arrested in this case and after completion of investigation, case was put up before Juvenile Justice Board on 16.11.2022. His trial is pending before learned Additional Sessions Judge, Sonipat, fixed for 03.04.2024. Out of 21 witnesses, only one witness has been examined. Present petitioner along with other co-accused caused *lathi* blows, *danda* blows and fist blows on the person of injured which resulted into his death. It is further alleged that as per Postmortem Report, deceased victim suffered 28 injuries on his body with blunt force/weapon. Therefore, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. As per allegations, deceased victim was beaten up by tying him with a pole. Accused are specifically named. Present petitioner is facing trial. Till date only one witness has been examined. Other witnesses are yet to be examined. Therefore, trial is at initial stage. As per Postmortem



CRM-M-8419-2024 (O&M)

-3-

report, deceased victim suffered 28 injuries, who was also young boy of 20 years. Still photographs of said occurrence are also placed on record. It is claimed that a video was also prepared regarding occurrence.

Considering the gravity of offence and manner in which it has been committed, at this stage, I do not find a fit case for grant of regular bail to petitioner – Suraj and accordingly his regular bail petition is dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

17.07.2024

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(AMARJOT BHATTI)
JUDGE

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