

CRM-M-8829-2024

CRM-M-8779-2024

CRM-M-15135-2024

2024:PHHC:047483

2024:PHHC:047486

2024:PHHC:047488

214

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Date of decision : 08.04.2024

214

CRM-10750-2024 in /and

CRM-M-8829-2024

VINAY AND ANOTHER

....Applicants/Petitioners

Versus

STATE OF HARYANA

...Respondent

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CRM-11471-2024 in/and

CRM-M-8779-2024

RAHUL CHAUHAN

....Applicant/Petitioner

Versus

STATE OF HARYANA

...Respondent

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CRM-M-15135-2024

HARSH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep K. Rana, Advocate
for the petitioner(s) in CRM-M-8829-2024.

Mr. Balraj Gujjar, Advocate
for the petitioner in CRM-M-8779-2024

Ms. Gursimran Walia, Advocate
for the petitioner in CRM-M-15135-2024.

Mr. Surender S. Pannu, Addl. A.G. Haryana.

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Mr. Baljeet Beniwal, Advocate
for the complainant in CRM-M-8829 & 8779-2024.

Mr. Lalit K. Gupta, Advocate
for the complainant in CRM-M-15135-2024.

PANKAJ JAIN, J. (ORAL)

CRM-10750-2024 in CRM-M-8829-2024
CRM-11471-2024 in CRM-M-8779-2024

Prayer in the instant applications is for preponement of the main
bail petition i.e. CRM-M-8829-2024 and CRM-M-8779-2024.

For the reasons recorded in the applications, the same are
allowed. Main petitions i.e. CRM-M-8829-2024 and CRM-M-8779-2024
are preponed from 8th of July, 2024 to today itself and accordingly taken on
Board.

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This order shall dispose off the these three bail petitions.

2. Petitioners herein pray for grant of regular bail pending trial in
case FIR No.139 dated 26th of October, 2022 registered for the offences
punishable under Sections 148, 149, 323, 325, 302, 427, 201, 120-B of the
Indian Penal Code, 1860 at Police Station Bhupani, District Faridabad.

3. FIR was registered on the statement of Deepika Yadav wife of
Mohit Yadav the deceased alleging as under:

“xxx it is requested that I Deepika Yadav wife of Sh. Mohit Yadav
son of Late Sh. Dilip Yadav am resident of village Deha, Bhupani
Faridabad. On dated 25/26.10.2022 time about 12:00 I was waiting

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for my husband, I was stand on roof in my house, then I heard a voice of noise of some quarrel from west side. From them one man's voice heard that Mohit is here beaten him, then, after hear the noise of quarrel, I have reached quarrel place from the house immediately, then I have see that Mukesh and their sons Kunal and Karan, resident of village Riwajpur, brother in law of Mukesh namely Amit and alongwith 4-5 persons were more. I have saw that they were beating my husband Mohit and Naveen son of Manoj, then I raised a noise 'bachao-bachao', then they started tried to run. After hearing a noise my brother-in-law (devar) Bharat Yadav also came on the spot, then thereafter the police party were also came on the spot. When all these were running, then, iron rod, Kulhari and sticks (dande) were in their hands, then immediately, the police party my husband and Naveen went to the H.K. Hospital, Faridabad, where after checking by the doctor my Corinasband declared a died. And another boy Naveen refer. Those people also damaged our car Baleno HR-29-AU-3004. Sir, it is requested that my husband Mohit Yadav has died from attacked of above mentioned persons. Please, it is requested that strict legal action should be taken against these persons. Xxx”

4. Counsels for the petitioners submits that initially names of the petitioners do not figure in the FIR. Thereafter, on the basis of disclosure the petitioners have been nominated. As per prosecution, *danda* has been recovered from each of the petitioners. Apart from the disclosure, there is no incriminating evidence available against them. Petitioners Vinay & Akash are behind bars since 9th of February, 2023, petitioner Rahul is in custody since 7th of December, 2022 and petitioner Harsh is in custody since the date of his arrest i.e. 27th March, 2023. Counsels further submits that investigation stands concluded and challan stands presented and despite directions of this

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Court, the complainant is intentionally not appearing before the Trial Court to depose and the trial is getting delayed. Thus, the custody of the petitioners should not be allowed to be continue as a punitive measure.

5. The bail plea is being opposed by the State Counsel as well as counsel for the complainant by submitting that the petitioners actively participated in the conspiracy to kill deceased Mohit. However, they do not dispute the factual assertions made by counsels for the petitioners which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioners and the nature of allegations against them, the present petitions are allowed. The petitioners are ordered to be released on bail on their 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.

9. A copy of this order be kept on the files of other connected cases.

April 08, 2024

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No