

205+211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision : 19.01.2024

CRM-M No.26788 of 2023 (O&M)

Nishant

..... Petitioner

versus

State of Haryana

..... Respondent

CRM-M No.65164 of 2023 (O&M)

Shubham Chauhan

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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Present :- Mr. Gaurav Gupta, Advocate and  
Mr. Tanwar Singh, Advocate  
for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Baljeet Beniwal, Advocate  
for the complainant.

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PANKAJ JAIN, J. (ORAL)

- 1This order shall dispose off above mentioned two petitions.
- 2Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0139 dated 26.10.2022 registered under Sections 148/149/302/323/427 IPC at Police Station Bhupani, District Faridabad.
- 3As per the contents of the FIR, it has been alleged as under :-  
  
“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 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 husband 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."*

4 Custody certificates have been filed. The same are taken on record. The petitioners are behind bars for 1 year and 27 days.

5 Learned counsel for the petitioners submit that none of the petitioners have been named in the FIR. Nothing has been recovered from them and they have clean antecedents. The only allegation against them is that they along with other co-accused hatched criminal conspiracy to kill deceased-Mohit without there being any role attributable to any of them.

6 The custody of the petitioners is being prolonged by the complainant by not appearing before the trial Court. When the matter was taken up by this Court on 06.12.2023, learned counsel for the complainant submitted that the matter is fixed for 08.01.2024 and on that date the complainant shall positively appear and depose. Order dated 08.01.2024 has been produced today by the learned counsel for the

petitioners to submit that despite there being positive directions by this Court, the complainant opted not to appear and the trial Court was constrained to summon her byailable warrants.

7 Keeping in view the nature of allegations levelled against the petitioners, the conduct of the complainant and the period of incarceration suffered by the petitioners, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Photocopy of this order be placed on the connected file.

19.01.2024

Pooja sharma-I

( PANKAJ JAIN )  
JUDGE

Whether speaking/reasonedYes

Whether Reportable :No