

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27134 of 2024
Reserved on: 02.09.2024
Pronounced on:16.09.2024

Sachin ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amrit Singh Kang, Advocate
for the petitioner.

Mr. Ashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
320	28.06.2019	Barwala, District Hisar	148, 149, 302 IPC 1860

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the brief facts of the case are that the present FIR has been registered on the statement of Manjeet son of Sat Pal resident of village Badhawar alleging therein that on dated 27.6.2019 at about 7.00 PM his younger brother Naveen (now deceased) and his friend Vikram (now deceased) has been called by co-accused Bharat son of Pardeep to talk on some important points in "Bharat's Buffalo Dairy" on which Naveen (now deceased) and Vikram (now deceased) went over there and after half an hour the complainant got information that co-accused Bharat is causing beatings to Naveen (now deceased) and Vikram (now deceased) along with his companions on which he passed the information to Mangat Ram, Tau of Vikram on which they both reached in the diary of co-accused Bharat where they saw co-accused Bharat, Satender, Pardeep and Vikram Vicky of village Koth along-with 8-10 companions who were duly armed with lathes and dandas. Co-accused Bharat and Vikcy Vikram were causing the beatings with dandas in their hands on the hands and feet of Naveen, his brother and Satender and Pardeep were giving danda blows on the hand, feet

and body of Vikram. The other companions were also given lathi and danda below on the body of the Vikram and they left Naveen (now deceased) and Vikram (now deceased) half dead and ran away from there on the motor-cycle after putting them on the road out the gate of the dairy. After arranging the vehicle the complainant brought his brother Naveen (now deceased) to Green Tree Hospital Barwala. The doctor of Green Tree Hospital without examining his brother asked him to take him to civil Hospital, Hisar. While he was bringing his brother to Civil Hospital Hisar in an ambulance, he expired while in way to Hisar. Mangat Ram took Vikram (now deceased) to Civil Hospital Barwala where he was referred to MAMC, Agroha and Vikram expired in MAMC Agroha while under treatment. Upon which case FIR No. 320 dated 28.06.2019 under sections 302, 148, 149 IPC was registered at Police Station Barwala, District Hisar.”

4. The petitioner’s counsel has made the following submissions:

- “That the petitioner was not named in the FIR initially. He was named in the disclosure statement of co-accused Vikram and recovery of *danda* was effected from the petitioner.
- No specific injuries has been attributed to the petitioner. The petitioner is in custody since 22.03.2022.
- The petitioner is seeking parity with co-accused Mohit and Kapil who were similarly placed.
- That co-accused Deepak, vide CRM-M-12041 of 2021 (Page No. 17), Amit @ Miti, vide CRM-M-10745 of 2022 (Page No. 20), Mohit @ Nambardar, vide CRM-M-5492 of 2024 (Page No. 22) and Kapil, vide CRM-M-24447 of 2024 have been granted concession of regular bail by this Hon'ble Court.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State’s counsel opposes bail and refers to para 10 of the reply, which reads as follows:

“10. That during investigation petitioner/accused Sachin alias Shinu was arrested on dated 20.03.2022 and his disclosure statement was recorded and place of incident was demarcated and a wooden danda was recovered from his possession. The role played by petitioner stated in his disclosure statement that he is friends with co-accused Mohit alias Nambardar and Kapil from his village and they both are friends and acquainted with co-accused Deepak alias Lakhu, resident of Bhaini Bhairon district Rohtak and he is also friends with Vikram alias Vicky, resident of Koth Kalan district Hisar. Co-accused Vicky alias Vikram was friends with co-accused Bharat due to this they all were connected to each other and knew each other. He had heard from his friends that co-accused Bharat takes liquor contracts and has a liquor shop in his village Badhawar. Naveen (now deceased) and Vikram (now deceased) sold illegal liquor in village Badhawar, due to which co-accused Bharat was suffering a lot of loss in the liquor business. Due to this reason they planned to kill Naveen (now deceased) and Vikram (now deceased) and killed them. Report under Section 173(8) of Cr.P.C. against petitioner/accused Sachin alias Shinu has been submitted in court dated 15.06.2022. Copy of disclosure statement and custody certificate of petitioner/accused Sachin are annexed as Annexure R-6 and R-7 respectively.”

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"15. That as far as the role of the petitioner/accused, it is submitted that a double murder of Naveen and Vikram was committed on dated 27.06.2019 by an unlawful assembly constituted by co- accused Bharat, Satender and Pardeep others at the milk dairy of one Bharat. Two of the eye witnesses namely Manjeet and Mangat Ram had seen the occurrence and they have also stood for the prosecution in the witness box during trial. Even a wooden log used by the petitioner/accused in the commission of the offence has been recovered by him."

8. The petitioner is connected with the alleged beatings through a *danda*, which he had got recovered under S. 27 of Indian Evidence Act, 1872.

9. The petitioner is also not entitled to bail on parity with co-accused because no weapon of offence was recovered from them. Further, the trial is at an advance stage.

10. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

16.09.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.