



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-21.11.2024

CRM-M-32969-2024

Saurabh Sharma @ Sebi.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

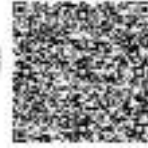
Present:- Mr. Abhimanyu Singh, Advocate for the Petitioner.

Mr. Ashok Chaudhary, Addl. AG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this third petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.255 dated 06.11.2022 registered under Sections 323, 147, 149, 307, 302, 120-B, 34 IPC (later on Section 302, 307 IPC deleted and offence under Section 304(II), 308, 34 IPC has been added during the presentation of challan) at Police Station Udyog Vihar, Gurugram, District Gurugram.

2. The brief facts of the case are that on the night intervening of 5/6.11.2022 at about 03.00 AM, information was received in the Police Station regarding death and injuries sustained by some persons at Udyog Vihar, Gurugram. The Investigating Agency reached the spot and found that injured Annu Kumar and Sushil Kumar had been admitted in hospital for medical treatment. The dead body of an unknown person was found at the spot. The body was sent to the mortuary. The Investigating Agency received



information that the injured Annu Kumar Gupta had been admitted in Neelkanth Hospital, Phase-III, Gurugram. The police officials proceeded to the hospital and recorded the statement of the injured complainant-Annu Kumar Gupta to the effect that he was working as a labour at Hyatt Discover L1, Udyog Vihar. On the night intervening 5/06.11.2022, he along with his fellow workers were inside the liquor vend. However, on hearing a commotion, they came out and saw that four vehicles outside the vend were doing stunts and the occupants of the vehicles were fighting. Suddenly, an Ertiga car came towards them (complainant party) being driven in a rash and negligent manner. The said vehicle struck him and his co-worker who both got injured. The unknown persons standing next to them got injured and died at the spot. Thereafter, the occupants of one car started beating the occupants of the other. He along with other injured were taken to the Neelkanth Hospital for treatment. He prayed for the taking of strict legal action against the culprit.

During the course of investigation all the accused came to be arrested and subsequently the report under Section 173(2) Cr.PC was presented against them.

3. The Counsel for the petitioner contends that all the material witnesses stand examined. 08 eye witnesses have turned hostile. One eye witness, namely, Ramesh did not name any of the accused including the petitioner. Six co-accused of the petitioner have already been granted the concession of bail. As the petitioner was in custody since 06.11.2022 but only 13 out of the 35 prosecution witnesses had been examined so far the trial of the present case was not likley to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The State Counsel while referring to the Status report dated



26.07.2024 filed by way of Mr. Naveen Sharma, HPS, Assistant Commissioner of Police, Udyog, Gurugram which is already on record contends that one person was done to death whereas two persons suffered life threatening injuries. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since 06.11.2022 and only 13 of the 35 prosecution witnesses had been examined so far. He also admits that 06 co-accused of the petitioner have been granted the concession of bail.

5. I have heard counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is in custody since 06.11.2022 and only 13 of the 35 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Saurabh Sharma @ Sebi** son of Sh. Sanjay Sharma is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 21, 2024
Vinay

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