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**218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-33307-2024****Date of decision: 13th August, 2024**

Gurpreet

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Kanwar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The prayer in the instant petition has been made by the petitioner seeking grant of regular bail in case arising out of FIR No. 229 dated 29.06.2021 registered under Section 147, 149, 323, 379-B, 506 and 120-B of IPC, 1860 at Police Station Agroha, District Hisar, on the basis of the statement recorded by the complainant Pradeep alleging therein that he was married with accused Radha in the year 2011. Some time after his marriage, disputes started arising between his wife Radha and himself. On 28.06.2021, he along with his father was sleeping in the fields when Radha along with co-accused i.e. her father Jarnail, brothers Toni, Sunil and Billa, co-accused Mahender and 5-6 unknown persons reached there in two vehicles. All of them alighted from the vehicles and told the complainant to transfer his land in favour of his wife. The complainant denied to do so. On hearing this, Radha gave a *lalkara* to her brothers to kill the complainant and



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his father and then all of them opened an assault upon them by striking blows with *lathi*, *dandas* and rod, which they took out from their vehicles. They also snatched mobile phone of the complainant and a sum of Rs. 4,000/- from his father. The complainant became unconscious and on regaining the same, he rushed towards his village and narrated about the incident to one Dharampal, who informed his family members. Both of them (complainant and his father) were taken to hospital.

2. On the above statement, initially a case under Sections 147, 323, 379-B and 506 read with Section 149 of IPC was registered at Police Station Agroha. The father of the complainant succumbed to his injuries and died on 30.06.2021, due to which offences under Sections 302 and 120-B of IPC were added. Inquest proceedings and post-mortem examination of dead body of the victim-Satbir was conducted. The accused Radha was arrested on 03.07.2021. The co-accused Gabbar Singh and Happy Ram were arrested on 31.07.2021. They suffered disclosure statements admitting their involvement in the subject crime. The co-accused Gabbar Singh took the name of the petitioner. The accused Happy Ram got recovered the mobile phone belonging to the complainant. The present petitioner was arrested on 08.08.2021. On interrogation, he too suffered a disclosure statement to the effect that he had caused injuries to the complainant Pradeep and his father with a *danda* and got recovered the said *danda*. The co-accused Jaswinder was arrested subsequently on 31.07.2021. Some of the co-accused namely Jarnail, Mahender, Toni, Sunil and Mandeep were found to be innocent and had not been arrested. However, they were subsequently summoned as

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additional accused on moving application under Section 319 of Cr.P.C. Challan stands presented. The petitioner along with the co-accused is facing trial for commission of the aforementioned offences. He had moved an application for grant of bail before the Court of Learned Additional Sessions Judge, Hisar, which was dismissed vide order dated 16.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not named in the FIR and has been nominated as an accused on the basis of disclosure statement of co-accused Gabbar Singh which cannot be considered to be admissible in evidence. He is in custody since 08.08.2021. Trial is likely to take time. No test identification of petitioner has been got conducted. The co-accused Gabbar Singh, Radha Rani, Mahender, Sunil, Toni, Jarnail Singh and Happy who were named in the FIR have been extended benefit of regular bail though their names were mentioned in the FIR. On parity, the petitioner also deserves to be extended the same benefit. Infact, the victim- Satbir had died due to sudden cardiac arrest on 30.06.2021 and not due to sustaining injuries. With these broad submissions, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has resisted the prayer made by the petitioner in terms of the status report and has argued that the death of the victim had occurred due to injuries sustained by him and their complications, as per the opinion of Board of doctors, as given on 06.03.2023. There are serious allegations against the petitioner, as he too had participated in the occurrence which resulted in causing death of the victim.



Hence, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner along with the co-accused had opened an attack upon the complainant and his father on the night of 28.06.2021 and caused injuries to them. The petitioner was not named in the FIR. The co-accused Gabbar Singh and Happy whose case was on similar footing have since been extended benefit of regular bail and other co-accused who were named in the FIR and to whom specific acts had been attributed have also been granted benefit of regular bail. The trial is likely to take time. The petitioner is in custody for a period of three years. Keeping in view the fact that he was not named in the FIR and on the ground of parity, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |