

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-50274-2023 (O&M)
Date of Decision:- 15.04.2024

SAGAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Davneet Sangwan, Advocate for the petitioner.
Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
306	23.08.2022	148, 149, 323, 302 IPC	Madhuban, District Karnal

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner is in custody since 24.08.2022 and the injuries attributed to the petitioner, to have been caused by him to injured-Aman, does not fall within the purview of dangerous to life, hence prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State has opposed the bail petition of the petitioner by arguing that there are specific allegations against the petitioner and co-accused/Sombir, to have inflicted repeated knife blows on the person of Aman and Arun respectively and the injuries caused to Arun proved fatal. It is submitted that petitioner along with co-accused have done this in prosecution of their common object and as such considering the gravity of offence, the petitioner does not deserve the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that as per the case of prosecution on 22.08.2022 at about 09:30 PM, injured Aman along with his brother Arun and mother were standing outside their house and at that time, all the accused i.e. petitioner-Sagar along with Sombir, Raja @ Rajesh, Mahender Singh, wife of Mahender Singh namely Manpreet and wife of Rajesh came there armed with their deadly weapons and started abusing their mother. On the complainant and his brother Arun objecting to the same, the assailants attacked them with their weapons. Co-accused/Sombir gave knife blow on the right side chest of Arun, while petitioner gave knife blow on the head of complainant/Aman and another blow on his right arm. The other co-accused gave several *danda lathi* blows on Arun. On raising hue and cry, the assailants ran away from the spot. The injured were then shifted to the hospital where Arun succumbed to the injuries, while the complainant got treatment.

6. A perusal of the record would reveal that there are specific allegations against the petitioner of having given repeated knife blows on the complainant hitting him on his head and other blow on his arm. It is evident from the Medico-legal report annexed by the State with its reply that the complainant/Aman received deep lacerated wound measuring 6x2x0.5 on his occipital region of the skull along with another stab wound just above the cubital fossa of right arm, while co-accused/Sombir had inflicted stab injury on the chest of his brother Arun, leading to his death.

7. In these circumstances, considering the serious nature and gravity of offence involved, the petitioner is not entitled to the concession of bail. Accordingly, the present petition is dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

15.04.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |