

Reserved on: 08.11.2024
Pronounced on: 19.11.2024

...Petitioner

...Respondent

...Petitioner

...Respondent

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FIR No.	Dated	Police Station	Sections
172	16.09.2023	Sadar Rewari, Distt. Rewari	302 IPC (Sections 307, 342, 149 IPC added later on)

1. The petitioners incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 22 & 17 of the bail petitions, the accused-petitioners declare that they have no criminal antecedents.

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3. The facts and allegations are being taken from the statement of one of the injured Sonu, recorded under S. 164 CrPC, (Annexure R-6) in the reply filed by the State, which reads as follows:

"FIR No. 172 U/s 302,307,34 IPC, Police Station Sadar, Rewari 16-07-2023

Statement Sonu son of Sube Singh, aged 25 years, resident of Nangal Udia, Rajasthan U/s 164 Cr.P.C.

OnSA

Ques. Do you want to give your statement of your own free will?

Ans-Yes, I have no any pressure.

Ques-What do you want to say?

Ans. State that deceased Sanjeep is my known. On dated 15-09-2023 at about 09:30 I went to the Prajapatri Chowk theka. I saw Sajiy sitting in a corner outside Daya's house. His Splendor motorcycle was parked a little distance away. At that time, Sajiy was drinking beer and two elderly people were also sitting near him and drinking alcohol. Sajiy saw me and called me near him. I sat beside Sajiy and started drinking. We kept talking to each other. Due to which, I came to know that the name of the person sitting beside Sajiy was Hasa and the other elderly person whose hand was cut was named Junkie who was running from door to door drinking alcohol. I drank my alcohol and borrowed a scooty from Tau Hansa to bring my mobile from home. After drinking my liquor, I took it. In a little while, I brought the mobile and took Tau Hansa's scooter beside Sanjay's motorcycle. He had parked me there and after a while he starts talking again, while riding scooter he takes the battery, key, and somewhere on his meter cycle and when it does not start he goes to Tau Hasa's school, Sanjay does not come for about an hour, then Tau Hasa inquires about Sanjay, at the same time Sanjay's call comes on my mobile and the person talking on the phone says that he has met with an accident and I am told from near Co-operative Hospital that this Shakti is here, in our hospital, so when I got ready to go the hospital to meet Sanjay, Tau Hansa caught hold of me and threatened and made me sit. After some time Sanjeep came along with two persons namely Sandeep and Krishan and Sandeep and Krishan took Sanjeep Gupta Mettal side and we also behind him. Thereafter, we two persons Chiman Manish Saini came there. They all beaten to me and Sanjeep with belt kick blow due to injuries Sanjeep."

4. The petitioner's counsel's primary argument is mentioned in para 6 of the bail bearing CRM-M-48970-2024 and para nos.10 and 11 of CRM-M-51414-2024, which reads as follows:

"6. That it is very humbly submitted that as far as prosecution case against petitioner is concerned, petitioner has not been attributed any allegation as per



prosecution except a passing allegation because as per prosecution story itself he remained present for some time when alleged beating were given to the deceased and he left the scene within short time only, while deceased was still alive and other accused namely Krishan, Chiman, Sandeep and Manoj stayed there and caused more beating to the deceased.

10- That on dated 21-09-20223 CCTV footage from the from liquor vend was taken in police possession along with certificate 65 B of Indian Evidence Act and statement of owner of liquor vend was recorded and during inspection of CCTV footage deceased, eye witnesses sonu Sharm and accused were found present at place where they purchased liquor.

11- That on dated 25-09-2023 statement of injured/eye witnesses under section 164 Cr.P.C. was recorded before the learned Area Magistrate, Rewari and scale site plane was prepared by HC Charn Singh. Viscera of the deceased was deposited at RFSL Bhondsi vide RC No. 288 dated 06-10-2023. The true translated copy of statement u/s 164 Cr.P.C. is here by annexed with as Annexure R-6 and FSL report is Annexure R-7.”

5. The petitioners’ counsels pray for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State’s counsel opposes bail and refers to the reply.

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

“10- That on dated 21-09-20223 CCTV footage from the from liquor vend was taken in police possession along with certificate 65 B of Indian Evidence Act and statement of owner of liquor vend was recorded and during inspection of CCTV footage deceased, eye witnesses sonu Sharm and accused were found present at place where they purchased liquor.

11- That on dated 25-09-2023 statement of injured/eye witnesses under section 164 Cr.P.C. was recorded before the learned Area Magistrate, Rewari and scale site plane was prepared by HC Charn Singh. Viscera of the deceased was deposited at RFSL Bhondsi vide RC No. 288 dated 06-10-2023. The true translated copy of statement u/s 164 Cr.P.C. is here by annexed with as Annexure R-6 and FSL report is Annexure R-7.”

8. A statement from one of the victims, recorded under S. 164 CrPC, completes the chain of evidence.

9. A perusal of the bail petitions and the documents attached prima facie points towards the petitioners’ involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioners; this court refrains from doing so.

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10. The petitioners’ custody of around one year and two months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is imprisonment for life.
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. **Petitions are dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.