

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-60498-2023 (O&M)
Date of Decision:-23.1.2024

Sanjay @ Sanju ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana,
assisted by ASI Rampal.

FIR No.	Dated	Police Station	Section/s
188	20.6.2023	Sadar, District Kaithal	323, 307, 34 of Indian Penal Code, wherein offence under Section 307 IPC was deleted and offences under Sections 302 and 212 IPC were added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Mohinder Rana, wherein it is alleged that on 19.6.2023 at about 7:30 p.m. his brother Raj Singh had left the house so as to meet Birbal Bibla. However, Raj Singh did not return back and at about 11:00 p.m. Ghanshyam came to the complainant’s house and informed

that Raj Singh was lying on the road in an inebriated condition. Upon receipt of said information, the complainant went to the spot and brought his brother for treatment at Shah Hospital, Kaithal, where the doctor apprised them that complainant's brother had sustained a deep injury on his head. The complainant made inquiries to gather information upon which Birbal Bibla, Ishwar and Ghanshyam told the complainant that at about 9:00 p.m. Raj Singh had an altercation with Sanjeev, Rajender and Vijay and in the said altercation, said persons had hit Raj Singh with some hard object on his head.

3. Learned counsel for the petitioner submitted that although 3 persons are specifically named in the FIR and there is nothing in the FIR to suggest that that the said 3 persons were accompanied by anybody else, but the petitioner came to be nominated subsequently as an accused on the basis of a disclosure statement allegedly made by Sandeep @ Sanjeev (Annexure P-9). Learned counsel has further submitted that admittedly the injured had consumed excessive liquor and was stated to be lying on the road and in every possibility he had sustained the injury on his head having fallen on account of excessive consumption of liquor.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the disclosure statement of co-accused, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 6 months and that as on date 1 PW out of the cited 14 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered rival submissions addressed before this Court.

6. Admittedly, the petitioner is not named in the FIR. As per the FIR, 3 persons had seen the 3 accused having an altercation with the injured and the said 3 persons are alleged to have inflicted injuries on the head of the injured Raj Kumar. As such, it is evident that the eye-witnesses in question have not stated anything about presence of any person other than the 3 named in the FIR. The petitioner has been named on the basis of disclosure statement of co-accused, the admissibility and veracity of which would be debatable. The petitioner has been behind bars for a substantial period of about 6 months. Conclusion of trial is likely to take time as only 1 PW out of the cited 14 PWs has been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.1.2024

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No