

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

212

CRM-M-35573-2021

Date of Decision : January 31, 2022

RAMESH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Jagjeet Beniwal, Advocate for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.237 dated 4.9.2020 under Sections 148, 149, 302, 506 IPC (also challaned u/s 323 IPC and u/s 25 of the Arms Act, 1959), Police Station Dadri Sadar, District Charkhi Dadri.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 6.9.2020 and after the investigation of the case, challan has been presented under Section 173 Cr.P.C. and thereafter the matter has been committed to the Court of Sessions. He has further submitted that it is a case where even as per the allegations contained in the FIR, three persons i.e. Ramesh (petitioner), Satish and Smt. Sushila had given slaps and fists blows to the deceased

after getting hold of him. He has submitted that the prosecution had been interpreting the allegations against the petitioner and the other co-accused that when the main accused, namely, Ankit and Mohit had given a knife blows to the deceased Sachin then the petitioner alongwith two other co-accused were holding the deceased. He submitted that however, the contents of the FIR do not suggest the same and it was a wrong interpretation given by the police in this regard. He further submitted that the main accused were Ankit and Mohit against whom the allegations were that they had given a knife blows to the deceased-Sachin. He has further submitted that the other similarly situated co-accused, namely, Smt. Sushila has been granted bail by this Court vide CRM-M-24195 of 2021 on 30.7.2021 and the petitioner is at parity with the aforesaid co-accused. He has submitted that the petitioner is not involved in any other case and has got clean antecedents and it is more than 1 year and 4 months that the petitioner has faced incarceration.

The learned State counsel has submitted that it is correct that the petitioner is in custody for about 1 year and 4 months i.e. from 6.9.2020 and now the case has been committed to the Court of Sessions. So far as the parity of the petitioner with the other co-accused is concerned, learned State counsel has not denied the same. He has also submitted that it is correct that the petitioner is not involved in any other case. However, he has opposed the grant of bail to the petitioner on the ground that the matter pertains to a murder of a person and it is serious in nature.

Mr. Jagjeet Beniwal, Advocate for the complainant has

also opposed the grant of bail to the petitioner on the ground that the matter is serious in nature.

I have heard the learned counsels for the parties.

The petitioner is in custody from 6.9.2020 which is more than 1 year and 4 months and the petitioner is not involved in any other case. The other similarly situated co-accused, namely, Smt. Sushila whose role was also at parity with the present petitioner has since been granted bail by this Court on 30.7.2021 vide Annexure P-8. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

In view of the facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

Since the main case has been allowed, all the miscellaneous applications shall stand disposed of accordingly.

January 31, 2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No