

Ratna

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Kewal Singh, Advocate
for the petitioner

Mr. M.D. Sharma, AAG Haryana

Mr. Sanjiv Kumar Jindal, Advocate
for the complainant**Sudhir Mittal, J. (Oral)**

The petitioner seeks grant of regular bail in case FIR No. 45 dated 05.04.2017 under Sections 302, 323, 148, 149, 307 IPC registered at Police Station Rajound, District Kaithal.

The petitioner is alleged to be part of an unlawful assembly, which caused the death of one Shamsher Singh son of Sube Singh.

Learned counsel for the petitioner submits that the petitioner – Ratna is alleged to have caused *lathi* blow on the head of the complainant and Roshan Lal but he is not accused of inflicting any injury on the deceased person. Moreover, the injury allegedly caused by the petitioner is neither grievous in nature nor has it been declared dangerous to life. The petitioner has been in custody since 11.04.2017 and that the trial is not likely to be concluded at an early date, thus, the petitioner be granted regular bail.

Learned State counsel submits that the material witnesses have yet to be examined and they have been bound down for 24.08.2018 and, therefore, the case be adjourned to the date beyond 24.08.2018.

Learned counsel for the complainant submits that the petitioner has actively participated in the incident, which led to the death of Shamsheer Singh son of Sube Singh, thus, he does not deserve to be given the concession of regular bail. There is another case pending against the petitioner viz. FIR No. 1 dated 04.01.2016 under Sections 148, 149, 323, 506, 325 IPC.

On being asked, learned State counsel submits that FIR No. 1 dated 04.01.2016 under Sections 148, 149, 323, 506, 325 IPC is also on account of fight between the co-villagers.

From the submissions of learned counsel for the parties, it is evident that the petitioner has not been attributed any specific role in the murder of Shamsheer Singh son of Sube Singh. He is also not alleged to have caused any grievous injury or an injury declared dangerous to life. The petitioner has been in custody since 11.04.2017 and the trial is not likely to be concluded at an early date, therefore, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

However, in case any attempt is made to interfere with the trial or to influence any witness, the prosecution shall be at liberty to seek cancellation of bail.

August 16, 2018
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[SUDHIR MITTAL]
JUDGE

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