

CRM-M-45266-2017

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

CRM-M-45266-2017

Date of Decision: 11th January, 2018

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shobit Phutela, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.740, dated 20.07.2016, registered at Police Station City Karnal, under Sections 302, 324 and 34 of the Indian Penal Code (Sections 323, 148, 149 of Indian Penal Code and Sections 25/54/59 of Arms Act added later on).

It is the contention of the learned counsel for the petitioner that the petitioner has been attributed the role of catching hold the hands of deceased – Vijay, which according to the prosecution, has facilitated in giving stab wounds by co-accused-Sumit. Apart from the petitioner, two other accused were also stated to have been involved in the commission of

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said offence, one is Rajat Kumar R/o Katlaheri and another is Rajat Kumar @ Shetty son of Dhan Singh. Co-accused Rajat Kumar R/o Katlaheri was attributed a rod blow on the neck of the deceased and since no corresponding injury was found on the person of the deceased, he has been granted the concession of regular bail. Co-accused Rajat Kumar @ Shetty has also been granted regular bail by this Court. Counsel for the petitioner submits that the petitioner is in custody since 30.07.2016 and out of the total 17 prosecution witnesses, only four have been examined. The trial is not likely to conclude soon and apart from the role as recorded above, no other overt act has been attributed to the petitioner nor is there any allegation that the petitioner was armed with any weapon at the time of commission of offence.

Counsel for the State, however, submits that if the petitioner had not caught hold of deceased – Vijay, the other co-accused would not have given him the stab injuries and therefore, he was fully involved in the offence and played important role and thus, should not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 30.07.2016 and apart from the allegations of having caught hold of the deceased, there is no other overt act nor is it the case of the prosecution that he was armed with any weapon at the time of offence, especially when the trial is not likely to conclude at an early date as only four witnesses have been examined out of the total 17 witnesses, the present petition is allowed.

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The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court, Karnal.

11th January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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