

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No.M-23647-2019(O&M)

Date of decision :25.07.2019

Ajay Kumar

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Devinder Singh, Advocate, for the petitioner.
Mr. Manish Bansal, DAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.303, dated 25.08.2017, registered under Sections 302/148/149/323/452 IPC at Police station Sadar Jind, District Jind.

Learned counsel for the petitioner on reading of the FIR submits that even if the allegations made in the FIR are taken to be correct, the fight was due to sudden and instant provocation. He further submits that the petitioner as per the FIR was not attributed to have caused any injury to the deceased. He further submits that the petitioner is in custody since 01.09.2017 and during last 22 months, only 6 witnesses have been examined out of 22. He further submits that out of 20 accused named in the FIR, police charged sheeted only 6, out of which 4 have been released on bail.

On the other hand, learned counsel for the State has submitted that as per the evidence of the first informant and the eye witness, it is the petitioner who has given injuries to deceased-Joginder.

Since, trial of the case is pending, it would not be appropriate

for this court to express any opinion on the merits of the case. However, taking into the fact that only 6 out of 22 witnesses have been examined by the prosecution and the petitioner is in custody since 01.09.2017 and conclusion of the trial of the case is likely to take a long time, therefore, petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

July 25, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No