

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

CRM-M-15855-2020 (O&M)

Date of decision : 07.08.2020

Nitin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. Chetan Sharma, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.17 dated 14.01.2020 registered under Sections 148, 149, 302, 323 of the Indian Penal Code and Section 3 of the SC & ST Act, 1989, at Police Station Quilla Panipat, District Panipat.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Panipat in para 2 of the impugned order which is extracted as under:-

“2. This case was registered on a complaint made by Saurabh wherein he alleged that about one year ago, a quarrel had taken place between his father and sons of Isham. However, compromise was effected in the same. But, they kept grudge against his father. On 14.01.2020 at about 7:30 PM, he and his father were eating noodles at a cart opposite Jagdama. In the mean time, Nadeen and Sagar came there and they started quarreling. On hearing the commotion, Pawan and Monu also reached at the spot. Nadeem along with Lakhan @ Chhotu and Tarun sons of Isham, Naheem, brother of Nadeem, Wasim

and their friend Mehboob, Aman Mallah, Shubham Sharma, Amit, Vishal and Sachin came armed with lathi, danda, rod, country made pistol, sword, gandasi and attacked his father. The complainant and his mother, Pawan and Monu tried to save his father, but they also inflicted injuries upon Monu and Pawan. Large people gathered at the spot seeing whom, they fled away along with their weapons. The complainant and his mother took his father for treatment to Civil Hospital, Panipat where the doctor declared his father dead. A request for taking necessary action against the accused was made.”

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He is sought to be indicted on the statement of co-accused which is not admissible in evidence. He further submits that the petitioner is in custody since 05.02.2020 and the police has also concluded its investigation and filed the final report on 07.03.2020 before the Court.

He further submits that the conclusion of the trial is likely to take time.

On the other hand, learned counsel for the State does not dispute the aforesaid factual position.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

07.08.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No