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

**CRM-M No.31799 of 2019
Date of Decision : 22.09.2020**

Inder @ Inderdev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Partap Singh, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

Mr. Yashveer Kharb, Advocate
for the Complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.438, dated 21st June, 2017, registered under Sections 323, 341, 506, 34, 379-B, 120-B of the Indian Penal Code (Sections 216, 201, 302 of the IPC added later on), at Police Station Samalkha, District Panipat, Haryana.

2. The Petitioner has remained in custody since 2nd July, 2017.
3. From the FIR, it transpires that the Petitioner had caused injuries to the Victim below the knee and shouted at the other co-

accused persons, who assaulted the Complainant/Victim, to the effect that the Victim should not be hit on his head and hit below waist, as was allegedly explained by their uncles namely Parkash, Raunak and Vinod.

3. The FIR therefore would go to clearly show that the present Petitioner was certainly not in favour of causing murder of the Victim, as he himself had caused injuries to the Victim below the waist, and if the victim succumbed in the assault on account of being attacked on his head by the other co-accused persons, the Petitioner cannot be held liable for causing the murder because such liability in all fairness would be of the co-accused persons, who hit the Victim on his head, which resulted into his death.

4. It transpires that by now even the Complainant in the case has already given his evidence in the Ld. Trial Court and several other co-accused persons have been released on bail by different Co-ordinate Benches of this Court.

5. In the above circumstances, considering the limited role attributed to the Petitioner, the long detention undergone by him and without commenting upon the other merits of the case as also keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this

Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. It is however clarified that the Ld. Trial Court is not to be influenced by any observations made in this order, and shall proceed on to decide the case independently on its own merits on the basis of the evidence coming forth before it.

7. Disposed off.

September 22, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No