

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

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CRM-M-2243-2021

Date of Decision: 15.11.2021

Dharmender Kumar

....Petitioner

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Saurabh Sharma, Advocate for petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- **Dharmender Kumar** in case F.I.R. No.133 dated 02.05.2019 under Sections 148 and 302 IPC read with Section 149 IPC (Section 120-B IPC added later on), registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that though complainant-Jaswinder Singh and one Subhash Chand have been portrayed as eye-witnesses to the alleged occurrence and when said Jaswinder Singh appeared in the witness box as PW-7, he has categorically stated that he had not seen the occurrence and had only signed the statement recorded by the Police. He further urges that apart from above, Subhash Chand when appeared in the witness box as PW-8 has totally resiled from the prosecution version. He further submits that allegedly one iron pipe was recovered at the instance of petitioner but in terms of FSL report, blood could not be detected on the said iron pipe so

as to create any nexus in the commission of alleged offence. He further

submits that co-accused namely Sanjeev Kumar @ Makhan, Brijesh Kumar, Prem Chand @ Premu, Raju Rahul, Bilal @ Billa, Sabir Khan @ Gandhi and Sehjad @ Jonti, have already been granted bail by this Court, vide orders dated 04.11.2020, 19.11.2020, 04.01.2021 and 15.01.2021 passed in CRM-M-14934-2020, CRM-M-17287-2020, CRM-M-26071-2020, CRM-M-39206-2020, CRM-M-40845-2020, CRM-M-40927-2020 and CRM-M-39699-2020 respectively. He further submits that petitioner is languishing in custody w.e.f. 04.05.2019 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 04.05.2019; that co-accused namely Sanjeev Kumar @ Makhan, Brijesh Kumar, Prem Chand @ Premu, Raju Rahul, Bilal @ Billa, Sabir Khan @ Gandhi and Sehjad @ Jonti, have already been granted bail by this Court, vide orders dated 04.11.2020, 19.11.2020, 04.01.2021 and 15.01.2021 passed in CRM-M-14934-2020, CRM-M-17287-2020, CRM-M-26071-2020, CRM-M-39206-2020, CRM-M-40845-2020, CRM-M-40927-2020 and CRM-M-39699-2020 respectively; that Challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in

custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Dharmender Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, District Kurukshetra, as the case may be.

(LALIT BATRA)
JUDGE

15.11.2021

d.gulati

Whether speaking/reasoned : Yes/No

Whether reportable : **Yes/No**