

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 2445 of 2021
Date of Decision: 26.3.2021**

Sunny

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

This is the second petition under Section 439 Cr.P.C. for regular bail in FIR No. 58 dated 26.9.2019 under Sections 147, 148, 149, 302, 323 IPC registered at Police Station GRP Jind, District GRP Ambala.

Status report by way of affidavit of Deputy Superintendent of Police, Railways, Haryana, Hisar, dated 4.3.2021, filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that there is a delay of 11 days in lodging the present FIR and the petitioner has been in custody since 13.10.2019. He further submits that neither the petitioner has been named in the FIR, nor he was present at the spot and the only attribution to him is of kicks and fist blows. Learned counsel further submits that co-accused, namely, Jobin, who has been specifically named in the FIR and

Vishal have been granted regular bail by the trial Court on 16.3.2020 and another co-accused Satnam Singh @ Satta has also been granted regular bail by a Co-ordinate Bench of this Court vide order dated 03.12.2020.

Learned State counsel, who is assisted by learned counsel for the complainant, submits that though as per the status report, the petitioner was not named in the FIR yet one injured, namely, Ankit in his statement recorded under Section 161 Cr.P.C., has specifically named the petitioner as one of the co-accused and has also attributed kicks and fist blows to the petitioner. It is further submitted that out of 20 prosecution witnesses, no witness has been examined till date.

I have heard the learned counsel for the parties.

In the present case, the petitioner has not been named in the FIR. Co-accused Jobin, Vishal and Satnam Singh @ Satta have already been granted regular bail. The petitioner has been in custody since 13.10.2019 and out of 20 prosecution witnesses, no witness has been examined so far. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 26, 2021
Gurpreet

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