

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-7083 of 2021 (O&M)

Date of Decision: 23.02.2021

Saravjeet Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sagar Aggarwal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Hamit Hasan, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

CRM-4126-2021:

The application is allowed, as prayed.

Criminal Misc. No.M-7083 of 2020:

This is second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.199 dated 16.04.2018 under Sections 148, 149, 323, 324, 325, 302, 307, 447, 506, 511, 120-B IPC and Sections 25 and 27 Arms Act registered at Police Station Shahabad, District Kurukshetra. The earlier

petition filed by the petitioner i.e. CRM-M-25342-2019 was dismissed as withdrawn vide order dated 18.01.2021 with liberty to approach the trial Court for the relief claimed in that petition. Since the bail application was declined by the trial Court, the petitioner has filed the present petition.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 05.05.2018 i.e. for a period of more than 2 years and 9 months, no specific injury has been attributed to him. The petitioner has been named on the disclosure statement of co-accused Jaswinder Singh. Moreover, the other main witnesses have turned hostile, though the prosecution has filed an application under Section 311 CrPC, which the same has been allowed by the trial Court. He has further submitted that as against the total 83 prosecution witnesses, only 23 witnesses have been examined so far. In this manner, delay is likely to be caused in concluding the trial. He has relied upon orders of this Court dated 25.06.2020 passed in CRM-M-14492-2020 *Gurpreet Singh Vs. State of Haryana* and order dated 06.11.2020 passed in CRM-M-35024-2020 *Kamal Kumar Vs. State of Haryana*, whereby the co-accused have been admitted on bail.

Learned counsel for the complainant has argued that the present is a case in which two persons namely Mangat Khan and Fakiria have died. Though the petitioner has not inflicted any specific injury to the deceased, but the petitioner was present at the scene of occurrence and thus, his being a member of the unlawful assembly, is sufficient to decline bail to him.

Learned State counsel, on instructions from ASI Rameshwar, does not dispute the custody of the petitioner and the stage of the trial.

I have heard learned counsel for the parties.

Admittedly, no specific injury has been attributed to the petitioner which led to the death of Mangat Khan and Fakiria. Considering the fact that the petitioner is in custody since 05.05.2018 i.e. for a period of more than 2 years and 9 months and as against the total 83 witnesses cited by the prosecution, only 23 witnesses have been examined so far and thus, trial is not likely to be concluded in near future, particularly when the prosecution has filed an application under Section 311 CrPC which has been allowed in order to re-examine three prosecution witnesses, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as expression of any opinion on the merits of the case.

Needless to say that the petitioner shall not influence any witness or cause delay in the smooth trial, in any manner.

February 23, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No