

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

CRM-M-16574-2021

DECIDED ON: 18th August, 2021

Jai Narain

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Parminder Singh, Advocate for petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking regular bail in case of FIR No. 501 dated 1.9.2017, under Sections 148, 149, 202, 285, 323, 324, 302, 307, 506 IPC and 25 of Arms Act, 1959 registered at Police Station Gharaunda, District Karnal.

The FIR was registered on the statement of Rani wife of Om Parkash (deceased). As per the contents of the FIR, on 31.8.2017, the deceased and the complainant were asked by Ashok Kumar Sarpanch not to harvest the crop standing on the land otherwise they will be shot dead. In the noon, when the husband of the complainant and her son went to harvest the Bajra crop, Jai Narain (petitioner) armed with double barrel gun along with other armed co-accused attacked them. Jai Narain fired 5-6 gun shots. Complainant suffered fire arm injury on the right elbow and Om Parkash suffered a fire arm injury in his chest which proved fatal. Other accused also inflicted injuries with lathies, gandasi etc. As per the allegations, co-accused Jai Bhagwan fired a shot in air. Number of injuries were inflicted by the aggressor on the complainant party.

Learned counsel for the petitioner submits that the petitioner is in custody for the last four years and the trial is not progressing.

Learned State counsel vehemently opposes the grant of regular bail and submits that the petitioner and the complainant belong to the same village and if enlarged on bail, there is every chance of petitioner influencing the witnesses. She further submits that bail of co-accused Jai Bhagwan was rejected by this Court. It is argued that out of 43 prosecution witnesses, 24 already stands examined and *inspite of* Covid-19 situation, earnest effort is there to examine the prosecution witnesses at the earliest.

Considering the nature of allegations and the gravity of offence, as also the fact that the complainant and the petitioner belong to same village, no case is made out for grant of regular bail. Mere custody period of the petitioner in itself cannot be a sole ground for enlarging him on bail. It is not a case where the trial is not progressing at all. Due to Covid-19 situation, for almost more than 1 ½ years, the things were not moving at normal speed. As per State counsel an effort would be made to conclude the prosecution evidence expeditiously.

The petition is dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18th August, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>