

CRM-M-18440-2021

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

CRM-M-18440-2021

Date of decision: 10.11.2021

Sushil @ Shilla

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Pankaj Kaushik, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. Lekhraj Sharma, Advocate and
Mr. Abhishek Sharma, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.938 dated 17.11.2018, registered at Police Station Assandh, District Karnal, under Sections 307, 323, 324, 326 and 506 read with Section 34 IPC.

Learned Senior Counsel for the petitioner contends that there was a delay of 03 days in the registration of the FIR as the alleged occurrence took place on 14.11.2018 whereas the above-noted FIR was registered on 17.11.2018; that there were two different MLRs of the complainant, indicting different injuries on his person, which create a doubt in the prosecution story; that co-accused, Mohan @ Keshav, who is real brother of the petitioner, stood enlarged on bail by a Coordinate Bench,

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vide order dated 02.06.2020 passed in CRM-M-14094-2019, by noticing that out of 13 witnesses, 08 witnesses were examined and after *de novo* trial, 02 witnesses have been examined; that the petitioner has been in custody since 23.12.2020. In such circumstances, the learned Senior Counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel assisted by the learned counsel for the complainant, vehemently opposes the prayer made in the present petition, and submits that at one stage, the petitioner was declared a proclaimed offender and was arrested on 23.12.2020. It is also submitted that an injury on the head of the complainant, with a sword, has been attributed to the petitioner. The challan qua the petitioner stands presented, but the charges are yet to be framed against him. It is also submitted that there are two other cases i.e. FIR No.463 dated 16.11.2007, under Sections 148, 149, 323, 324, 452 and 506 IPC, Police Station Assandh, District Karnal, and FIR No.85 dated 23.12.2020, under Section 174-A IPC, Police Station Munak, District Karnal, registered against the petitioner. However in FIR No.463 dated 16.11.2007, the petitioner stands acquitted.

I have heard the learned counsel for the parties.

As stated above, the challan qua the petitioner stands presented, but the charges are yet to be framed against him. The petitioner has been in custody since 23.12.2020. Trial is unlikely to conclude any time soon as operation of the order summoning Shamo Devi as an additional accused under Section 319 Cr.P.C., has been stayed by a Coordinate Bench, vide order dated 13.01.2020 passed in CRM-M-1027-

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2020. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, as stated above, co-accused already stood enlarged on bail, therefore, on the ground of parity, the petitioner is also entitled to bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No