

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

CRM-M-24715-2021(O&M)

Date of decision: 09.09.2021

Dinesh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The status report by way of affidavit dated 04.09.2021 of the Deputy Superintendent of Police, Fatehabad, already filed in the Registry is taken on record.

Through this 4th petition, the petitioner seeks regular bail in case bearing FIR No.398 dated 12.11.2017, registered at Police Station Bhuna, District Fatehabad, under Sections 147, 148, 323, 341, 506, 325, 307 and 302 IPC.

Learned counsel for the petitioner states that the petitioner has

falsely been implicated in the present case. At an initial stage, the petitioner was alleged to be armed with a *Gandasi*, however, in a subsequent improved statement, the complainant alleged that the petitioner was holding a baton and had inflicted injuries on the head of Mulak Raj (since deceased).

Learned counsel for the petitioner further submits that the alleged occurrence took place on 10.11.2017 and thereafter, Mulak Raj was hospitalized and discharged on 21.12.2017. He died on 29.03.2018. The complainant has filed an application under Section 319 Cr.P.C. The matter is pending before this Court and the proceedings before the learned trial Court have been stayed. The petitioner has been in custody since 26.11.2017.

Learned State counsel, while opposing the prayer for bail, submits that there are specific allegations against the petitioner and because of injury attributed to the petitioner, Mulak Raj expired on 29.03.2018. Thus, the petitioner is not entitled to the concession of the bail. He, however, does not dispute the custody period of the petitioner and that proceedings before the learned trial Court have been stayed as the criminal revision is pending.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.11.2017. The occurrence took place on 10.11.2017. The deceased was hospitalized and discharged from the hospital on 21.12.2017, but expired on 29.03.2018. The proceedings before the learned trial Court have already been stayed and the trial will take time to conclude, especially due to prevailing situation of

Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

09.09.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No