

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 32473 of 2021

Date of Decision: 19.8.2021

Surinder Singh @ Surinder Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the third petition under Section 439 Cr.P.C. for regular bail in FIR No. 40 dated 14.3.2017 under Sections 148, 149, 302, 323, 324, 325, 506 IPC and Sections 24, 54, 59 of the Arms Act, 1959, registered at Police Station Shahzadpur, District Ambala.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR; that initially neither any role was attributed to the petitioner nor it was specifically mentioned in the FIR that the petitioner was carrying any weapon of offence but it was after 02 months and 10 days of the alleged occurrence, Jaspal Singh-injured, in his statement under Section 161 Cr.P.C., attributed knife injuries to the petitioner on the person of the deceased; that co-accused Ramkaran @ Tilla has been granted regular bail by a Co-ordinate Bench of this Court on 20.4.2018 and

co-accused Krishan Kumar @ Sonu, who is alleged to be given knife blow

to deceased Kanwar Pal Singh, has been granted regular bail by this Court on 03.8.2021. Learned counsel further submits that the petitioner had also filed a petition for regular bail i.e. CRM-M-24533-2019, which was disposed of on 09.1.2020 with the direction to the trial Court to examine the material witnesses, expeditiously but till date the situation is the same. He further submits that Jaspal Singh while appearing in the witness box as PW-1 has improved his earlier version recorded under Section 161 Cr.P.C. and submits that the petitioner had given knife blows on the waist of deceased Kanwar Pal Singh, however, as per the post-mortem report, there was no injury on the waist. He further submits that the petitioner has been in custody since 16.3.2017.

On the other hand, learned State counsel, while opposing the bail petition, does not dispute the custody period of the petitioner and the fact that it was at a later stage, the petitioner was attributed a specific role in the present FIR. He, however, submits that the petitioner had inflicted knife injury to deceased, namely, Kanwar Pal Singh, who died during his treatment on 15.3.2017. Still further it is submitted that out of 35 prosecution witnesses, 07 witnesses have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 04 years and out of 35 prosecution witnesses, only 07 witnesses have been examined. Moreover, co-accused, namely, Ramkaran @ Tilla and Krishan Kumar @ Sonu have already been granted the concession of regular bail. 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

August 19, 2021
Gurpreet

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