

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

220

CRM-M-37175-2021 (O&M)

Date of Decision: 03.11.2021

Arun

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Himmat Singh Deol, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Mahabir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.14 dated 08.01.2017 at Police Station City Tohana, District Fatehabad, under Sections 302 & 307 IPC read with Section 34 IPC.
2. The FIR was lodged at the instance of Nand Lal, wherein it has been alleged that on 07.01.2017, when he alongwith his cousin Gulab were present at a Barber shop, then Arun entered into the shop and started hurling abuses at the complainant. The complainant and his cousin Gulab came out of the shop to avoid a quarrel. However, Amarjit Singh was already present outside the shop holding a knife. It is alleged that while Arun caught hold of complainant, Amarjit Singh inflicted blows with the knife on the left eye lash, below left shoulder, left hip and left thigh and on

account of which the complainant fell down. When the complainant's cousin Gulab tried to help the complainant, Arun caught hold of Gulab and Amarjit Singh inflicted knife blows to Gulab on his chest. It is further the case of the prosecution that Gulab subsequently succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case, even if the allegations as levelled in the FIR are taken to be correct, it is the co-accused Amarjit Singh, who had inflicted knife blows and that the petitioner was un-armed and is alleged to have caught hold of the complainant and Gulab.
4. Opposing the petition, learned State counsel has submitted that the petitioner had played a pivotal role inasmuch by holding the complainant (injured) as well as Gulab (deceased) he had facilitated the commission of crime and on account of which co-accused Amarjit Singh was able to effectively give knife blows to the complainant and to Gulab resulting in death of Gulab. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 years and 10 months and that he is not involved in any other case and that as on date only 6 out of cited 18 PWs have been examined including the complainant.
5. I have considered rival submissions addressed before this Court.

6. Without commenting anything as regards the merits of the case, this Court finds that the petitioner has been behind bars for a substantial period of 4 years and 10 months. Conclusion of trial is likely to consume time as only 6 out of cited 18 PWs have been examined till date. The complainant in any case already stands examined ruling out the possibility of his being intimidated. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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