

CRM-M-35773-2020

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

CRM-M-35773-2020

Date of decision: 15.01.2021

Arvind @ Fauji

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manish Soni, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Copy of status report by way of affidavit of the Assistant Commissioner of Police, Pataudi, Gurugram, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.351 dated 04.08.2019, registered under Sections 148, 149, 323, 341, 427 and 302 IPC, at Police Station Pataudi, District Gurugram.

Learned counsel for the petitioner contends that recovery of an iron pipe had allegedly been effected from the petitioner, and that there was no specific injury attributed to him. He further draws the attention of this Court towards the post-mortem report (Annexure P-2) of deceased-Jagdhir @ Bhohli, wherein it was opined that injuries No.1 to 4 had been caused with a sharp-edged weapon, whereas injuries No.5 and 6 had been caused with a blunt weapon. It was further opined that the cause of death was the

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injuries received from the sharp-edged weapon.

On the other hand, learned State counsel while opposing the prayer made in the present petition submits that the petitioner alongwith other co-accused had actively participated in the crime and the deceased had succumbed to the injuries caused by the petitioner and co-accused. Moreover, they had also caused injuries to complainant-Nitin and injured-Somveer. The receipt of injuries has been specified in the MLR. Learned State counsel further contends that out of total 25 prosecution witnesses, only 02 witnesses have been examined so far.

I have heard the learned counsel for the parties.

Challan has been presented and out of total 25 prosecution witnesses, only 02 witnesses have been examined so far. The petitioner has been in custody since 14.10.2019. Trial of the case would take time to conclude. Moreover, similarly situated co-accused, Umrao Singh, has since been released on bail by this Court vide order dated 17.09.2020 passed in CRM-M-27697-2020. 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 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.

15.01.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No