

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

105+239

**CRM-41045-2021 in/and
CRM-M-43338-2021
Date of Decision: 16.12.2021**

Dilbag @ Bagga

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Shailender Singh Gill, Advocate for applicant/petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM- 41045-2021

Since the main case has already been fixed for today i.e. 16.12.2021, instant application is disposed of having been rendered infructuous.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Dilbag @ Bagga** for grant of regular bail in case FIR No.98 dated 25.05.2020 under Sections 302, 323, 325 and 506 IPC read with Section 34 IPC, registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly petitioner along with

co-accused while armed with *Gandassi* and *Lathis* inflicted injuries on the person of Harikesh, which led to his death. He further urges that allegedly head injury on the person of Harikesh (since deceased), which proved 'fatal', said injury is attributed to co-accused Ramswaroop. He further urges that prosecution witness namely PW-1 Angrej, complainant, when appeared in the witness-box, has not supported the cause of prosecution. He further submits that prosecution witnesses namely PW-2 Raj Kumar, PW-3 Balwan and PW-4 Sunil Kumar, when appeared in the witness box, they have not uttered even a single word against accused persons including the petitioner. He further submits that co-accused Ram Mehar has already been extended concession of regular bail by this Court, vide order dated 29.09.2021 passed in CRM-M-19209-2021. He further submits that petitioner is languishing in custody since 16.06.2020 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 16.06.2020; that testimonies of material witnesses namely PW-1 Angrej

(complainant), PW-2 Raj Kumar, PW-3 Balwan and PW-4 Sunil Kumar, have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Dilbag @ Bagga** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kaithal, as the case may be.

(LALIT BATRA)
JUDGE

16.12.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No