

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44506-2021
Date of Decision: 01.11.2021

Vijay @ Bija

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.P. Jangu, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.206 dated 17.08.2018, under Sections 148/149/323/341/506 of IPC (Sections 325/302 of IPC added later on), registered at Police Station Sadar Narwana, District Jind.

The learned counsel for the petitioner has submitted that in the present case although the name of the petitioner has figured in the FIR and as per the FIR, the role attributed to the petitioner is that he has caused injuries by way of jaily but in fact it was a concocted story made by the police. He submitted that even otherwise also the petitioner is in custody

from 04.09.2018 which is more than three years and nine prosecution witnesses have been examined till date. He submitted that there are total six accused in the present case and the remaining five accused have already been granted bail. He referred to Annexures P-3 and P-4 wherein the other co-accused namely, Parveen and Sonu were granted bail by this Court vide CRM-M-28672-2020 and CRM-M-26009-2020 respectively. Thereafter, vide Annexure P-5 the other two accused namely, Inder and Samunder have also been granted bail by this Court vide CRM-M-16087-2021 and CRM-M-16494-2021 respectively. He further submitted that at the most the petitioner is at parity with the co-accused Sonu and as per the order Annexure P-3, the stand taken by the aforesaid petitioner-Sonu that no injury was caused by him and only simple abrasion has been attributable and the same fact has not been controverted by the State counsel in that order. He further submitted that be that as it may so far as the petitioner is concerned, it is yet to be decided at the time of trial as to whether the petitioner has attributed any injury to the deceased or not and considering the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 04.09.2018 which is more than three years and only nine prosecution witnesses have been examined till date. He has however stated that the petitioner is not at parity with the other co-accused. However, Mr. Panwar has not been able to show as to how he is not at parity with co-accused Sonu. He has opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

The custody of the petitioner is more than three years, which is not in dispute. It is also not in dispute that other remaining accused have been granted bail by this Court. Only nine prosecution witnesses have been examined till date and, therefore, long custody of the petitioner would certainly be a relevant factor for considering the grant of bail. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.11.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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