

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43846-2020 (O&M)

Date of Decision:- 26.7.2021

Noordin

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Monica Dabas, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Mahabir Singh.

(Proceedings conducted through video conferencing)

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.432, dated 24.9.2016, Police Station City Tohana, District Fatehabad, under Section 302 IPC.
2. The FIR in question was lodged at the instance of Naresh Kumar wherein it is alleged that his younger brother Sukhdev died about 4 years back and that after his death his sister-in-law (*bhabhi*) had been raising her children by doing labour work. It is alleged that Noordin (petitioner) kept a bad eye on the complainant's sister-in-law and had

even entered into their house with bad intentions but he and his sister-in-law had thrown him out of the house and on account of which Noordin kept a grudge against them. It is alleged that on 24.9.2016 when he and his sister-in-law had visited Hanuman Murti Dharamshala on account of death of their relative and when they were returning back they were waylaid by Noordin who was carrying a handle of hand-pump and who caused repeated injuries with the same on the head of the complainant's sister-in-law on account of which she fell on the ground and ultimately succumbed to injuries.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case since the petitioner has been behind bars for a substantial period and even the complainant stands examined, the petitioner deserves the concession of regular bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is not only specifically named in the FIR but is specifically alleged to have caused injury on the head of the deceased with handle of a hand-pump, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last 5 years and that although he was previously involved in one more case but he stands acquitted in the same.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that there is specific attribution to the petitioner as per the FIR and the victim had died on account of the injuries allegedly caused by the petitioner. However, the petitioner has been

behind bars for a substantial period of about 5 years. The material witness i.e. the complainant Naresh has already been examined by the trial Court as would be evident from his statement annexed with reply filed by the State. The petitioner is not stated to be involved in any other case. The conclusion of trial is likely to consume some time as only 5 out of the cited 18 PWs have been examined so far. In these circumstances further detention of petitioner who has already undergone incarceration for 5 years will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.7.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No