

CRM-M-48196-2021

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

CRM-M-48196-2021

Date of decision: 24.11.2021

Rajesh alias Bada

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naveen Thakur, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.228 dated 28.05.2020, registered at Police Station Gharaunda, District Karnal, under Sections 148, 149, 302 and 324 IPC.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he had caught hold of the deceased; that neither any specific injury was attributed to the petitioner nor any recovery was effected from him; that co-accused, namely, Sandeep Kumar and Rajbir stand enlarged on bail by this Court, vide orders dated 26.02.2021 and 06.10.2021 passed in CRM-M-30676-2020 and CRM-M-16135-2021, and that police has discharged Chhotta, who had also allegedly caught hold of the deceased. The petitioner has been in custody since 30.05.2020.

On the other hand, learned State counsel while vehemently

CRM-M-48196-2021

opposing the contentions made by the learned counsel for the petitioner, submits that co-accused, Sandeep Kumar and Rajbir, who stand enlarged on bail, had inflicted injury on the non-vital parts of injured-Deepak and that there is no allegation against them in respect of causing injury to the deceased. The learned State counsel further contends that the petitioner had caught hold of the deceased from his arms and the co-accused had stabbed on his abdomen.

I have heard the learned counsel for the parties.

There are allegations against the petitioners that he caught hold of Jitender alias Goldi (deceased) and the co-accused had stabbed the deceased with a *Barchi*, inflicting blows on the abdomen. The petitioner cannot claim parity with co-accused Sandeep Kumar and Rajbir, who had inflicted injury on the non-vital parts of injured-Deepak.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the nature and gravity of the offence and the role played by the accused are to be taken into consideration. Keeping in view the facts and circumstances of the present case, the period of custody of about 18-months in my considered opinion, melts into insignificance.

In view of the above discussion, I do not find any merit in the present petition.

Dismissed.

24.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No