

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-790-2022
Reserved on: 11.02.2022
Pronounced on: 15.02.2022

Om Parkash ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0344	13.05.2020	Bhiwani Sadar, District Bhiwani	302, 323 & 34 IPC (Section 325 IPC added later on during investigation)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 8 of the petition, it is declared that the accused has no criminal history.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The contention on behalf of the State is that bail encourages criminals.

REASONING:

5. As per the evidence collected by the prosecution, even the petitioner was armed with a stick and inflicted injuries on one of the victims. Thus, even if he did not cause the fatal blow, still at this stage there is nothing to prove that he did not share the common intentions. Any further discussion might prejudice the case of the defence. Suffice to say that the learned Sessions Court had granted bail to the other accused on the grounds that the independent witnesses turned hostile and did not support the prosecution. Let the petitioner approach the concerned Court and in case the learned trial Court is of the opinion that even the petitioner is entitled to bail on the grounds of parity then they may consider such application.

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed and the aforesaid liberty reserved for the petitioner. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 15, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No