

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

CRM-M-970-2022 (O&M)

Date of decision: 12.07.2022

Sudesh @ Shula

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 51 dated 31.01.2019, registered under Sections 302, 323 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station City Mohindergarh, District Mohindergarh.

Status report by way of affidavit dated 19.04.2022 of the Deputy Superintendent of Police, Mahendergarh, District Mahendergarh, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and no specific injury has been attributed to the petitioner. As alleged, four accused have been collectively inflicted injuries, though the similar role has been attributed to the petitioner,

yet during investigation three were found innocent and the challan was presented only against the petitioner. The petitioner has been in custody since 11.02.2019. The material witnesses have been examined.

He further submits that the application filed under Section 319 Cr.P.C. was allowed and the same has been challenged by the additional accused in this Court and the same is pending, therefore, the case before the learned trial Court is not proceeding further. The petitioner is not involved in any other criminal case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime and has given baton blow on the person of Sukhwinder (since deceased). However, he does not dispute the custody period of the petitioner and the fact that the allegation against the petitioner is similarly to three co-accused, who were found innocent during investigation and the petitioner is not involved in any other criminal case. He submits that out of 18 prosecution witnesses, 14 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 11.02.2019. The case before the trial Court is not proceeding further, as the order of summoning additional accused under Section 319 Cr.P.C. has been challenged in this Court. Moreover, there is no other criminal case against the petitioner. The remaining 04 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.07.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No