

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

CRM-M-3136-2022 (O&M)

Date of decision: 11.03.2022

Vijay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.0311 dated 01.08.2019, registered under Sections 147, 148, 149, 302, 307 and 323 IPC (Sections 303, 109, 120-B, 180 and 325 IPC added later on), at Police Station Azad Nagar, Hisar, Haryana.

Status report by way of affidavit dated 07.03.2022 of the Deputy Superintendent of Police, Hqrs. Hisar, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR and was later on indicted in the present case on the basis of the supplementary statement of the complainant; that only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased); that no recovery has been effected from the petitioner; that the petitioner has been in custody since 19.08.2019; that the challan has already been presented and that the petitioner was not seen in the CCTV footage. He further submits that as three co-accused, namely, Ravinder, Binder and Krishan @ Boxer have

already been granted the concession of bail, the petitioner may also be granted such concession, on the ground of parity.

He further submits that as far as other cases are concerned, the petitioner has undergone the sentence or stands acquitted.

Learned State counsel, while vehemently opposing the prayer for bail submits that a fight took place in the jail premises and the petitioner has actively participated in the same and that he is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.08.2019. The petitioner was indicted in the present case on the supplementary statement of the complainant. Only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased). Three similarly placed co-accused are on regular bail. The charges are yet to be framed, therefore, the conclusion of the trial would take a long 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.

11.03.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No