

CRM-M-2910-2022

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

CRM-M-2910-2022 (O & M)

Date of decision: 21.04.2022

AJAY @ BACHCHI

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Khandelwal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

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Allowed as prayed for. Affidavit sworn by Anuj Kumar,
brother of the petitioner, is taken on record as Annexure A-1.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.311 dated 01.08.2019, registered under Sections 147, 148, 149, 302, 307 and 323 IPC (Sections 303, 109, 180, 120-B and 325 IPC added later on), at Police Station Azad Nagar, Hisar.

Learned counsel for the petitioner contends that the alleged occurrence took place on 01.08.2019 in the jail premises; that the role attributed to the petitioner is that he was standing near the gate of the barrack; that neither any specific role nor any injury has been attributed to the petitioner, and that the petitioner has been in custody since 13.08.2019.

Co-accused, namely, Ravinder and Binder stand enlarged on regular bail by

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this Court, vide orders dated 30.09.2021 passed in CRM-M-19280-2020 and CRM-M-25774-2021, respectively. So far as other cases registered or pending against the petitioner are concerned, he stands acquitted in 07 cases whereas stands released on bail in 06 cases and has undergone the sentence in 01 case.

On the other hand, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, submits that Ravinder, who was in custody, was killed and Talwinder and Harjeet had received injuries in a fighting taken place in the jail premises as the accused had attacked them with an intention to kill.

I have heard the learned counsel for the parties.

The only allegations against the petitioner are that he was standing near the gate of the barrack. No specific role has been attributed to the petitioner. As noticed above, the co-accused stand enlarged on regular bail. The petitioner has been in custody since 13.08.2019. Out of 41 prosecution witnesses, none has been examined so far. Trial of the case would take time to conclude. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

21.04.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No