

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

CRM-M-7007-2022 (O&M)
Date of Decision : 12.10.2022

Tek Ram

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lalit Kumar, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

-.-

ALKA SARIN, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.275 dated 10.06.2017 under Sections 147, 148, 149, 323, 324, 325, 302, 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Dadri, District Charkhi Dadri. The first petition being CRM-M-22835-2020 was dismissed as withdrawn on 21.08.2020.

Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 05 years 03 months and 26 days and that there is no other case pending against the petitioner. It is further the contention that Munni, who was also attributed the injury on the head, has since been found innocent. It is further contended by learned counsel that out of 15 accused, 07 accused were found innocent and that the complainant filed an application under Section 319 CrPC qua 07 accused

who were found innocent. The said application was dismissed by the Trial Court. Against the said dismissal order CRR-1851-2018 is pending before this Court in which passing of final order has been stayed. Learned counsel has further contended that the said petition has been pending since 2018 and is being adjourned repeatedly on the request of learned counsel for the petitioner therein. Further reliance has been placed on the judgment passed by the Supreme Court passed in **MD. Raja & Anr. Vs. The State of West Bengal [Criminal Appeal No.1293 of 2022, decided on 22.08.2022]**.

Learned State counsel has referred to the status report wherein it has been stated that the fatal blow has been attributed to the petitioner herein. He is, however, not in a position to deny the fact that the petitioner, as of today, has been in custody since 05 years 03 months and 26 days and there is no other case pending against him. He is also not in a position to deny the fact that passing of final order has been stayed in CRR-1851-2018.

Heard.

In the present case the petitioner has been in custody now for a period of 05 years 03 months and 26 days and passing of final order has been stayed by this Court in CRR-1851-2018. The trial is likely to take time.

Keeping in view the fact that the period of incarceration is 05 years 03 months and 26 days and the passing of final order in the trial has been stayed by this Court in CRR-1851-2018, without commenting upon the merits of the present case, I deem it appropriate to allow the present petition and to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety

bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

It is made clear that the petitioner shall appear before the Trial Court as and when required and he would appear on the dates of hearing fixed by the Trial Court and the counsel appearing on behalf of the petitioner would not seek any unnecessary adjournments.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. Pending applications, if any, also stand disposed off.

October 12, 2022
tripti

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO