

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-7378-2022 (O&M)

Kuldeep ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-7503-2022 (O&M)

Bindar ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-25.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Singh Duhan, Advocate for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Kamal Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Kuldeep and Bindar seeking grant of regular bail in respect of a case registered vide FIR No.120 dated 15.9.2020 at Police Station Alewa,

District Jind, under Sections 147, 148, 149, 302, 323 and 450 of Indian Penal Code.

2. The FIR was lodged at the instance of Rohtash, wherein it is alleged that the accused namely Krishan, Raj Kumar @ Raja, Kuldeep (petitioner), Satish, Rajesh, Binder (petitioner) and Anil, who were all armed with sticks and 'jailly' had inflicted injuries to the complainant as well as to his brothers Karan and Subhash and also to Hari Ram and Ramesh. Karan is stated to have succumbed to his injuries while the other 4 sustained injuries.
3. Learned counsel for the petitioners submitted that even as per the FIR, the petitioners are not attributed any specific injury to the deceased and that while Kuldeep is alleged to have inflicted a blow with stick on the head of Ramesh, petitioner Binder is stated to have caused injury to Hari Ram with a stick on his left arm. Learned counsel has further submitted that, in any case, when the complainant namely Rohtash as well as injured Subhash were examined during the proceedings of trial, none of them has supported the case of prosecution. It has also been submitted that an identically situated co-accused namely Raj Kumar @ Raja has already been granted bail by this Court vide order dated 15.2.2022 (Annexure P-2).
4. On the other hand, learned State counsel has submitted that since the petitioners are specifically named in the FIR and had also inflicted injuries to two of the injured and were members of an unlawful assembly, their complicity is clearly evident. Learned State counsel does not dispute that the complainant as well as injured Subhash have not fully supported the case of prosecution. It has been informed that both the petitioners have been behind bars since the last more than 1 year and 9 months and that they are not

involved in any other case. Learned State counsel has further informed that as on date only 4 out of cited 21 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Since this Court finds that material eye-witnesses including the injured/complainant have not supported the case of prosecution and the petitioners otherwise have been behind bars for a substantial period of more than 1 year and 9 months and have a clean record inasmuch as they are not wanted in any other case, further detention of the petitioners will not serve any useful purpose as conclusion of trial is likely to consume time given the fact that only 4 out of cited 21 PWs have been examined so far. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of connected case.

25.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No