

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

CRM-M-11512-2022

Date of decision: 24.05.2022

Vinod Fauji @ Tila

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajit Singh Lamba, 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.311 dated 01.08.2019, registered at Police Station Azad Nagar, Hisar, under Sections 147, 148, 149, 302, 307 and 323 IPC (however final report has been filed under Sections 109, 120-B, 147, 148, 149, 302, 307, 323, 303, 180 and 325 IPC.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the disclosure statements of co-accused, namely, Rajnish, Sachin, Deepak and Pankaj; 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 at the gate of the jail; that neither any injury has been attributed to the petitioner nor any weapon has been recovered from him, and that co-accused, namely, Ravinder, Ajay @ Bittu, Vijay, Lakhvinder Singh @ Lakhu, Krishan @ Boxer, Binder and Sachin have since been granted the concession of regular bail. So far as other cases registered or pending against the petitioner, are concerned, he has since been let off by giving a

warning in one case, whereas has since been released on bail in another case. On this premise, the learned counsel prays that the petitioner be released on regular bail.

On the other hand, learned State counsel, while opposing the grant of 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 petitioner was not named in the FIR and rather has been indicted on the disclosure statements of the co-accused. The only allegations against the petitioner are that he was standing at the gate of the jail at the time of the occurrence. No injury has been attributed to him. As noticed above, the co-accused stand enlarged on regular bail. The petitioner has been in custody since 21.08.2019. 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.

24.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No