

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

CRM-M-11225-2022 (O&M)

Date of decision: 12.09.2022

Naseeb

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 433 dated 28.09.2022, registered under Sections 147, 148, 149, 302, 323, 452, 506 IPC and Section 25 of the Arms Act, at Police Station Narnaund, District Hisar.

Learned counsel for the petitioner submits that the FIR has been registered on the complaint of Ram Mehra, brother of Ram Kumar (since deceased); that the petitioner has falsely been implicated in the present case; that the injury attributed to the petitioner is on hand and feet of injured Karambir @ Karmu, not on the person of the deceased; that the petitioner has been in custody since 30.09.2020; that the petition is not involved in any other case and that out of 36 prosecution witnesses, only 01 has been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and if he is released on bail, there are chances that he may abscond and he may also influence the witnesses. However, he does not dispute the custody period of the petitioner and the fact that the injury attributed to the petitioner is not on the person of the deceased and the petitioner is not involved in any other case. He submits that out of 36 prosecution witnesses, only 01 has been examined and on the disclosure statement of the petitioner baton used in the occurrence has been recovered.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 30.09.2020. The injury attributed to the petitioner is on the person of injured Karambir @ Karmu, not on the person of the deceased. The petitioner is not involved in any other case. 35 prosecution witnesses are yet to be examined. 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.

(HARNARESH SINGH GILL)
JUDGE

12.09.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No