

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

CRM-M-11305-2022

Date of Decision:-24.03.2022

Sandeep @ Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Raman Kumar Sharma, Addl. A.G., Haryana.

(Proceeding conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

Prayer in the present petition is for grant of regular bail to the petitioner pending trial in case FIR No.244 dated 31.5.2019, under Sections 302, 148, 149, 341 and 120-B IPC and Section 25/54/59 of the Arms Act, registered at Police Station Kaithal City, District Kaithal.

Learned counsel for the petitioner submits that in the present case the doctor, who conducted Post Mortem has already been examined, and in his testimony it has come on record that the injuries suffered by the deceased are with sharp edged weapon, whereas, the petitioner has been attributed to have inflicted leg and fist blows upon the deceased, which is also not proved by the Post Mortem Report of the deceased. Learned

counsel for the petitioner further submits that no sharp edged weapon has been attributed to the petitioner so as to attribute the petitioner with the fatal injuries inflicted upon the deceased. Learned counsel further submits that as the investigation has already concluded and the material witnesses have already been examined, coupled with the fact that trial is likely to take some time before it concludes, the petitioner may kindly be extended the concession of regular bail, especially when a similarly situated co-accused namely Vicky @ Sultan has already been extended the said benefit vide order dated 10.3.2022 passed in CRM-M-46930 of 2021.

Learned State counsel concedes that as per the disclosure statement, only the fist and leg blows upon the deceased have been attributed to the petitioner. It has also been conceded by the learned State counsel that another co-accused, namely, Vicky @ Sultan, to whom no injury upon the victim was attributed, has already been granted the concession of regular bail.

I have heard learned counsel for the parties and gone through the record of the case with their able assistance.

As per the fact that the deceased received injuries with the sharp edged weapon and no injury with such sharp edged weapon has been attributed to the petitioner and the only allegation against the petitioner, that too on the basis of disclosure statement is that of inflicting fist and leg blows upon the deceased, which allegation is yet to be proved during the trial, coupled with this once the material witnesses have already been examined and the trial is likely to take some time to conclude due to the restrictive working of the Courts in view of Covid-19 pandemic, the

petitioner has made a case for grant of regular bail. Learned counsel for the petitioner has undertaken before this Court that the petitioner will maintain good conduct and will not influence any witnesses or the trial in any manner, in case he is extended the concession of regular bail. It may be noticed that the allegations against the petitioner and the co-accused Vicky @ Sultan, who has already been extended the concession of regular bail, are similar in nature and therefore, even on the ground of parity, the petitioner is entitled for grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 24, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No