

CRM-M-14484-2021

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

CRM-M-14484-2021

Date of decision: 18.05.2022

Surender @ Anil

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajay Kripal Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

None for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.174 dated 22.04.2020, registered under Sections 147, 148, 149, 323 and 506 IPC (Sections 307 and 302 IPC added later on), at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that it is a case of version and cross-version and it is yet to be ascertained by the trial Court on the basis of evidence as to which was the aggressor party. He further contends that the fatal and the only injury to deceased-Banwari Lal has been attributed to co-accused, Ramniwas; that the petitioner has been attributed injuries on the person of complainant-Hoshiyar Singh and his wife-Savita, which entail the offence under Section 325 IPC only; that the

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petitioner has been in custody since 05.05.2020, and that the complainant has already been examined. Moreover, co-accused, namely, Sarbati and Roshani have since been granted the concession of regular bail by a Coordinate Bench, vide order dated 11.01.2021 passed in CRM-M-27363-2020. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith other co-accused attacked the complainant party and caused injuries to Banwari Lal, Hoshiar Singh and Savita, and that Banwari Lal had succumbed to the injuries received in the occurrence. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

No injury on the person of the deceased, has been attributed to the petitioner. The complainant has already been examined. It is a case of version and cross-version and it is yet to be ascertained by the trial Court on the basis of evidence as to which was the aggressor party. As stated above, the co-accused have since been granted the concession of regular bail.

The petitioner has been in custody since 05.05.2020. Trial is unlikely to conclude any time soon. 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

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

18.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No