

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

**CRM-M-13693-2022 (O&M)
Date of decision: 30.05.2022**

Surender @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rahul Sidher, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-15012-2022

Application is allowed as prayed for. Anneuxre P-7 is taken on record.

Main case:

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 63 dated 15.03.2020, registered under Sections 147, 149, 323, 325, 342, 367, 427 and 506 IPC, and subsequent added Sections 109, 148, 302 IPC, at Police Station Uklana, District Hisar.

Learned counsel for the petitioner submits that the FIR was registered on the complaint of Anil; that the petitioner was neither named in the FIR, nor he was present at the spot; that the petitioner has falsely been implicated in the present case, on the disclosure statement of the co-accused, due to political rivalry; that no specific role has been attributed to the

petitioner and that the petitioner has been in custody since 01.02.2021.

Learned counsel for the petitioner further submits that the all the injuries were on the non-vital part of the complainant (since deceased); that the complainant died after a gap of 05 days and therefore, Section 302 IPC is not made out against the petitioner and that Darshan Singh (PW-4), cousin brother of the deceased, has solely relied upon the testimonies of two eye witnesses i.e. Sombir @ Goli and Anwar Ali, who have turned hostile while appearing as PW-1 and PW-2, respectively. Three co-accused, namely, Virender @ Binder, Surender @ Shinder and Virender, have already been granted regular bail by this Court vide separate orders dated 22.04.2022.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime. However, he does not dispute the custody period of the petitioner and the facts that three co-accused have already been granted the concession of regular bail, by this Court and two eye witnesses have turned hostile. He submits that the challan has been presented.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 01.02.2021. The petitioner was not named in the FIR, he was indicted on the disclosure statement of the co-accused. Two eye witnesses have turned hostile and 03 co-accused have already been granted the concession of regular bail. The conclusion of the trial would take 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

30.05.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No