

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

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CRM-M-15804-2022 (O&M)

Date of Decision: 23.08.2022

SURAJ

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.297 dated 30.08.2020, registered at Police Station Taraori, Karnal, under Sections 148, 149 and 302 IPC.

Learned counsel for the petitioner contends that the petitioner has been in custody since 02.09.2020; that the allegation against the petitioner is that, he along with the co-accused went to the house of the complainant on motorcycles and have raised lalkara; that as per the prosecution version, the petitioner had given a brick blow on the chest of Ajay aged about 23-years-old (since deceased), but as per the PMR (Annexure P-2), there was no external mark of injury on his person; that Ajay being a heart patient since birth, had died due to heart attack, as would decipher from report (Annexure P-3) and that co-accused, namely, Ajay @ Fukra, Gobind @ Kaku and Shubham, have already been granted the concession of regular bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner was the member of unlawful assembly and had actively participated in the occurrence. He further submits a specific injury on the chest of the deceased has been attributed to the petitioner and that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.09.2020. Though a brick blow on the chest of the deceased has been attributed to the petitioner, yet as per the medical report, there is no external mark of injury on his person. Co-accused have already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*