

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

232-A

CRM-M-16108-2022 (O&M)

Date of Decision: 08.07.2022

SURESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Rupinder K. Thind, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.433 dated 28.09.2020, under Sections 147, 148, 149, 302, 323, 325, 452 and 506 IPC, registered at Police Station Narnaund, District Hisar.

Status report by way of an affidavit dated 12.05.2022 of the Deputy Superintendent of Police, Sadar Hansi, District Hisar, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that no injury on the person of the deceased has been attributed to the petitioner; that as per the prosecution version, the petitioner along with Jindal (his son) has given a gandasi blow on the head and shoulder of Somnath @ Sachin; that the petitioner has been in custody since 23.10.2020 and that, as per the medical record, the injury attributed to the petitioner falls under Section 325 IPC. He further submits that co-accused, namely, Balraj, Geeta, Dev Raj @ Dhallu, Raj Kaur and Kamlesh, have already been granted 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 along with co-accused was the member of unlawful assembly and they, while being armed with deadly weapons, have attacked the complainant party and inflicted injuries on the person of the injured. He further submits that the scuffle between the parties led to the death of Ram Kumar and that there are total 36 prosecution witnesses, out of whom none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.10.2020. Co-accused have already been enlarged on bail. Injury attributed to the petitioner falls under Section 325 IPC. No injury has been attributed to the petitioner on the person of the deceased. All 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.

08.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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