

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

CRM-M-16755 of 2022(O&M)

Date of Decision: 04.08.2022

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Parveen Sharma, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

Custody certificate as well as copies of statements of PW1 Aman and PW2 Sultan are taken on record.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 420 dated 10.10.2021, registered under Sections 148, 149, 302, 323 and 324 IPC, Section 25 of Arms Act and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Sadar Sonipat, District Sonipat. It is stated that Section 25 of Arms Act was deleted lateron.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and lateron nominated as accused on the basis of disclosure alleged to be made by three of the co-accused namely Pardeep, Amit and Kishore. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 9 months

and is not involved in any other criminal case of similar nature. The counsel further submits that during the trial, complainant/ injured Aman has been examined but he has not stated anything against the petitioner in his testimony. Even the father of deceased Krishan while appearing in the witness box has not named the petitioner in his testimony. The counsel further submits that it will take time for the trial to conclude and as such no useful purpose is going to be served by keeping the petitioner in custody for any further period.

The present petition is contested by the State counsel who furnished the custody certificate as per which the petitioner is shown to be in custody for the last more than 09 months. The State counsel submits that though injured complainant and father of deceased Krishan have been examined, yet the trial is still in progress and as such prayer is made that present petition be dismissed.

I have considered the submissions made by learned counsel for the petitioner as well as learned State counsel.

The FIR in this case was recorded on the basis of statement of Aman in which he stated that at the time of occurrence Mita Khanpuria, Sunny Mundpur, Pardeep, Kishori and Davinder were present and Pardeep put his pistol on the forehead of the complainant and then Mita @ Amit, Kishori, Sunny and Davinder started beating the complainant and Krishan with wooden 'dandas' and Pardeep also gave blow with spade's handle on the head of the complainant. The complainant and Krishan raised alarm on which the above-said persons ran away from there and Krishan died lateron.

The petitioner was not named in the FIR and was later on arraigned as accused on the basis of disclosure of co-accused Pardeep, Amit and Kishore and was arrested on 28.10.2021 and one wooden 'danda' is stated to be recovered from his possession. After completion of investigation, challan has been presented and charges are framed and now the trial is going on. During trial complainant/ injured Aman and Sultan, father of deceased Krishan have been examined and copies of their statements are taken on record. Both of them have not named the petitioner in their testimony. It will take considerable time for the trial to conclude. So, no useful purpose is going to be served even if the petitioner is kept in custody for any longer period.

In view of the above, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

04.08.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**