

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-20891-2022

Date of decision: - 20.05.2022

Labi

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kanisth Ganeriwala, Advocate,
for the petitioner.

Mr. Praveen Bhadu, Assistant Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present second petition is for grant of regular bail to the petitioner in FIR No.143 dated 29.04.2019 registered under Sections 147, 148, 149, 302, 323, 427, 452 of the Indian Penal Code, 1860 at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner has submitted that in the present case, as per the prosecution version, only one specific injury has been attributed to the petitioner and that too on the person of the complainant and not of the deceased. It is further stated that the person who has given the fatal blow with *gandasi* to the deceased is Gaurav @ Gora. It is further argued that co-accused of the petitioner, namely, Birpal has already been granted the concession of regular bail by this Court, vide order dated 25.02.2022 passed in CRM-M-51295-2021. It is further

submitted that even co-accused Manpreet, whose case is on a similar footing as that of present petitioner, has been granted the concession of regular bail by this Court, vide order dated 29.03.2022 passed in CRM-M-12209-2022. It is further submitted that the petitioner is not involved in any other case. It is further submitted that in the present case, 22 persons have been arrayed as accused persons and the petitioner has been in custody since 25.05.2019 and there are 31 witnesses, out of which, none have been examined, thus, the conclusion of the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was named in the FIR and also been alleged to have inflicted one specific injury upon the complainant.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that as per the prosecution case, only one specific injury has been attributed to the petitioner and that too on the person of the complainant and the same is simple in nature and has been inflicted with a stick (*danda*). The injury, which has caused the death of the deceased, has been attributed to Gaurav @ Gora with a *gandasi*. The petitioner has been in custody since 25.05.2019 and there are 31 witnesses, out of which, none have been examined, thus, the conclusion of trial is likely to take time. The co-accused of the petitioner, namely, Birpal has already been granted the concession of regular bail by this Court, vide order dated 25.02.2022 passed in CRM-M-51295-2021 and even co-accused Manpreet has been granted the concession of regular bail

by this Court, vide order dated 29.03.2022 passed in CRM-M-12209-2022 and the case of the present petitioner is on the similar footing as that of the said Manpreet and there are 22 persons who have been arrayed as accused in the present case and the petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

May 20, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No