

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

114+241

CRM-M-21745-2022 (O&M)

Date of Decision: 27.10.2022

Jai Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Bharat Bhushan.

GURVINDER SINGH GILL, J. (Oral)

CRM-40380-2022

For the reasons mentioned in the application, the same is allowed and the statement of Ramesh Kumar is taken on record as Annexure P-5 subject to all just exceptions.

CRM-M-21745-2022

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.766 dated 22.09.2021 at Police Station City Karnal, District Karnal, under Sections 148/149/323/324/302/506 IPC.
2. The FIR was lodged at the instance of Om Parkash, brother of the deceased, wherein it has been alleged that on 21.09.2021 at about 8.30 - 8.45 PM, when he was present at the shop of his brother Ramesh, 5

- persons came in an auto-rickshaw and purchased 1 Kg. fish. It has been alleged that when his brother Ramesh demanded money, the said persons refused to pay and indulged in brawl. It has been alleged that in the meanwhile, the said persons caught hold of his brother and one of them had taken out a sharp edged object and inflicted its blow on the left side of abdomen of his brother as a result of which he sustained injury. It has further been alleged that the said persons also slapped the complainant and his brother and when they (complainant and his brother) raised alarm, the said persons fled away from the spot in auto-rickshaw.
4. Learned counsel for the petitioner has submitted that he is not named in the FIR and came to be nominated subsequently pursuant to a statement made by the injured Ramesh Kumar, who later expired. It has been submitted that even as per the said statement, it is the co-accused Arjun Khanna, who had stabbed the deceased and that the petitioner is attributed a slap only. Learned counsel has further submitted that even as per the disclosure statement made by co-accused Arjun Khanna, the petitioner is attributed slap and fist blows only.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was amongst the assailants, his complicity is clearly evident and that the mere fact that it was on account of stab blow given by co-accused will not make any difference since the petitioner shared a common object with the co-accused for murdering the deceased. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 11 days and that he is not

involved in any other case. It has also been informed that as on date none out of cited 16 PWs has been examined.

6. This Court has considered rival submissions.
7. Admittedly, the fatal blow was attributed to co-accused Arjun Khanna and the petitioner is attributed slap and fist blows only. A perusal of the FIR and also the statement of the deceased would show that the occurrence had taken place in spur of the moment pursuant to some dispute having arisen regarding payment of amount in respect of fish purchased by the accused from the shop of the deceased. In any case, the petitioner has been behind bars for a substantial period of more than 1 year and otherwise has a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time inasmuch as none out of cited 16 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.10.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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