

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

**CRM-M-22085-2022 (O&M)**

**Date of decision: 12.07.2022**

Kanhiya

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Ajit Sihag, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 433 dated 28.09.2020 registered under Sections 147, 148, 149, 302, 323, 452, 506 IPC and later on added Section 325 IPC, at Police Station Narnaund, District Hisar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case because of party fraction; that as per the allegation in the FIR, the petitioner has given *gandasi* blow on the head of Hari Chand, not on the person of the deceased; that the petitioner has been in custody since 01.10.2020 and that similarly situated co-accused, namely, Suresh and Jindal have already been granted regular bail by this Court vide separate orders dated 08.07.2022.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner has actively participated in the occurrence. The

scuffle between the parties led to the death of Ram Kumar. However, he does not dispute the custody period of the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.10.2020. The injury attributed to the petitioner is on the head of Hari Chand, not on the person of the deceased. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**12.07.2022**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No