

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

222

CRM-M-29084-2021 (O&M)

Date of Decision: 29.11.2022

Parv

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Mehndiratta, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
ASI Ajay Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.320 dated 12.09.2018 at Police Station Madhuban, District Karnala, under Sections 302/34 IPC (Section 216 IPC and Section 3(2)(v) of the SC & ST Act added later on).
2. The FIR in question was lodged at the instance of Nasib, wherein it has been alleged that his brother Rajiv was caught hold off by Parv (petitioner) while co-accused Vicky @ Paya inflicted blows with a knife in his private parts leading to his death.
3. Learned counsel for the petitioner has submitted that admittedly the petitioner was unarmed and did not inflict any injury to the deceased and it was the co-accused Vicky, who is attributed fatal injuries with a knife. Learned counsel for the petitioner has further submitted that the petitioner has been behind bars since the last about 3 years & 8 months

and that since the trial is proceeding at snail's pace, the petitioner deserves the concession of regular bail.

4. Opposing the petition, learned State counsel has submitted that the petitioner played a pivotal role in the commission of offence and by holding the deceased, he facilitated his co-accused to stab him (deceased) in his left thigh. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 3 years & 8 months. Learned State counsel has, however, informed that as on date 11 PWs out of cited 23 PWs have been examined. Learned State counsel has also informed that the petitioner had been involved in 4 other cases and although he stands acquitted in 3 of them, one under Section 307 IPC is still pending.
5. This Court has considered rival submissions.
6. The FIR does indicate that the petitioner has played an important role in the commission of offence. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a long period of about 3 years & 8 months. Conclusion of trial will take time inasmuch as only 11 PWs out of cited 23 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

29.11.2022

Vimal

(GURVINDER SINGH GILL)**JUDGE**

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