

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

CRM-M-32962-2021

Date of decision-23.02.2022

Rajesh**....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. G.S.Sidhu, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.424 dated 19.12.2020 under Sections 302 and 34 Indian Penal Code, 1860 registered at Police Station Sirsa Sadar, District Sirsa, who is in custody since his arrest on 19.12.2020.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Sirsa in his order dated 24.06.2021 are as under:-

“The instant case FIR was got registered on the statement of complainant Rajesh, who inter-alia stated that one Hanuman used to sell eggs etc. in front of shop of complainant and on the other side a liquor vend is situated . Accused Akshay and Rajesh used to work on a khokha for selling Namkin etc. On the intervening night of 18/19.12.2020 at about 9.45 p.m. complainant had heard that Hanuman and Rajesh etc. had taken quarter of liquor from the liquor shop. Thereafter a quarrel had been taken place between Rajesh, Akshay and Hanuman and

Sonu son of Ramesh was also present at the spot. Thereafter Hanuman called the complainant on phone and stated that complainant should come immediately because said were persons beatings him. On the way Rameshwar met the complainant who told that Hanuman had been killed. On reaching the spot, the complainant saw that dead body of Hanuman was lying near the Khokha. It was stated that Akshay, Rajesh and Sonu caused death of Hanuman by using dandas and bricks. Hence, the present FIR.”

Learned counsel for the petitioner has argued that the accused persons and the victim were consuming liquor when dispute arose and beatings were given to the victim, who died on the spot. Learned counsel has argued that as per prosecution itself, the petitioner gave only fist and slap blows, whereas other accused persons caused injuries with weapons like bricks and wooden sticks. He has argued that the petitioner is in custody since his arrest on 19.12.2020, but trial is not progressing as after framing of charges on 11.08.2021, no prosecution witness has been examined till date. He prays for bail.

On the other hand, learned State counsel assisted by SI Jaswinder Singh, while opposing the prayer does not dispute the factual background narrated by learned counsel for the petitioner. He further on instructions states that the petitioner is not involved in any other case much less of similar nature.

Considering the above background, petitioner's custody and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful

purpose, who is presently confined in judicial custody after his arrest on 19.12.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

23.02.2022
vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No