

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

CRM-M-30040-2022 (O&M)

Date of decision: 17.11.2022

Dalbara

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.311 dated 01.08.2019, registered under Sections 302, 303, 307, 323, 325, 147, 148, 149, 109, 120-B IPC, at Police Station Azad Nagar Hisar, District Hisar.

The status report filed on behalf of the respondent-State is already on record.

Custody certificate dated 16.11.2022 issued by the Deputy Superintendent, Central Jail No.1, Hisar, submitted by the learned State counsel in the Court is taken on record.

Learned counsel for the petitioner submits that the occurrence took place in the jail premises; that though the petitioner was named in the FIR, yet not no specific role has been attributed to the petitioner; that co-accused, namely, Jagdeep @ Dukhi and Pawan @ Pona, who have been

attributed injury on the chest of the deceased with Awl (*sua*) are already in custody; that only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased); that no recovery has been effected from the petitioner; that the petitioner has been in custody since 06.09.2019; that even the charges are yet to be framed and that as far as other 05 cases against the petitioner are concerned, he stands acquitted in 02 cases, on bail in 01 case and in 02 cases he is in custody. He further submits that some of the similarly placed co-accused are on regular bail and prays that the petitioner may also be granted such concession, on the ground of parity.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the occurrence took place in the jail premises and the petitioner has actively participated in the occurrence. Ravinder, who was in custody, was murdered and Talwinder and Harjeet had received injuries in a fight taken place in the jail premises as the accused had attacked them with an intention to kill them. However, he does not dispute the custody period of the petitioner. He submits that there are total 41 prosecution witnesses and the charges have not been framed as yet.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.09.2019. The petitioner was involved in the present case, on the disclosure statement of the co-accused and no specific role has been attributed to him. Only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased). Some of similarly placed co-accused are

on regular bail. The charges are yet to be framed. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and custody period of the petitioner i.e. more than 03 years, 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

17.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No