

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

CRM-M-31127-2022 (O&M)
Date of Decision:-**21.12.2022**

POONAM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.613 dated 22.10.2019 registered under Sections 148, 149, 323, 324, 302, 307 IPC and Section 25 of Arms Act at Police Station City Sonipat, District Sonipat.

The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case at the instance of the complainant and is in custody for the last more than 3 years and injured eye-witness Pawan brother of the deceased stands examined and even as per his testimony no fatal injury is attributed to the petitioner and only

allegations are that the petitioner gave '*Danda*' blow to the mother of the deceased. The counsel for the petitioner further submits that it will take time for the trial to conclude, so prayer is made that petitioner be released on regular bail.

The instant petition is opposed by the State counsel, who submits that at the time of occurrence, the present petitioner gave '*Danda*' blows to the mother of deceased-Manoj, while main accused Vijay gave fatal blows of knife to the deceased in his chest and co-accused Sachin, Ajay and Ghannu attacked Pawan brother of the deceased with knife and caused injuries to him. However, the State counsel has not disputed the fact that the petitioner is incarcerated for last more than 3 years and is having no criminal history and the fact that main witness Pawan has been examined during trial.

I have considered the submissions made by counsel for the parties.

The present case is relating to murder of Manoj brother of Pawan and even Pawan also sustained injuries at the time of the occurrence. As per the testimony of Pawan, whose copy is taken on record, no injury is stated to be caused by the petitioner on the person of deceased Manoj. Pawan also deposed that the present petitioner gave '*Danda*' blows to the mother of the deceased. So apparently, no fatal injury is attributed to the present petitioner, who is in custody for the last more than 3 years. Further there is no apprehension that if released on bail the petitioner is going to influence injured eye-witness Pawan who already stands examined. It will take considerable time for the trial to conclude, so no fruitful purpose is

going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

21.12.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No