

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35274-2021 (O&M)
Date of Decision:-6.8.2022

Deepak @ Ballu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satish Saini, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl.A.G., Haryana,
assisted by SI Dayanand.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.915 dated 30.7.2018, Police Station City, Karnal, under Sections 148, 149, 323, 427, 506 of Indian Penal Code, wherein offence under Section 302 IPC was added later on.
2. The FIR was lodged at the instance of Rakesh Kumar, wherein it is alleged that on 29.7.2018 he was given beatings by Rohit and his friend Sawan, who kicked him and gave fist blows to him. The complainant ran towards his home and told about the incident to his family. Later when he came out of the house alongwith other members of his family so as to get medical treatment, then he found that Rohit, Anchi, Sawan, Ballu (petitioner) and Mangal were already standing in the street armed with sticks and iron rods. It is alleged

that Rohit inflicted blow with stick on his head. Sawan is stated to have inflicted a blow with a stick on his arm. Anchi gave a kick blow on his chest. When the complainant's mother and other members of his family tried to rescue him, they were also given beatings. The complainant rushed back into his house alongwith his mother and other members of his family and locked the door. It is alleged that complainant's brother-in-law Arvind was, however, outside the house and he was inflicted a blow with iron rod by Ballu (petitioner). It is also alleged that Om Parkash and Sheela also gave beatings to Rohit. The complainant Rakesh, later, succumbed to his injuries.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that, in any case, even if the allegations as levelled in the FIR are taken to be correct, the only role attributed to him is that he had inflicted a blow with stick to Arvind, which undisputedly is a simple injury. It has further been submitted that the petitioner is not attributed any specific injury to the deceased.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and a stick has been recovered from him and that, as such, it is clearly evident that he alongwith others had shared a common object so as to cause death of deceased and injuries to other injured. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 years. It has been informed that as on date only 3 out of the cited 13 Pws have been examined and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that the petitioner is named in the FIR and is alleged to be accompanying the accused. However, the petitioner is not attributed any specific injury to the deceased but is attributed a specific injury to the injured Arvind in respect of which there is no opinion on record till date, as per learned State counsel, as to whether the same is grievous injury or not. In any case, this Court finds that the petitioner has been behind bars for a substantial period of about 4 years. The petitioner is stated to be having a clean record and is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch only 3 out of the cited 13 PWs have been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose.
7. 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.

6.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No