

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

CRM-M-37636 of 2021 (O&M)

Date of Decision:- 08.12.2022

Ravi

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

CRM-30016-2022

Allowed, as prayed for.

CRM No.45541-2022

Annexures P-4 to P-6 are taken on record.

The application stands disposed of accordingly.

CRM-M-37636 of 2021

Prayer is for grant for regular bail to the petitioner in case having FIR No.331 dated 13.09.2020 registered under Sections 148, 149, 302, 323, 427 & 447 IPC (Section 325 IPC added later on in final report u/s 173 Cr.P.C), Police Station Sadar Jind, District Jind.

The counsel for the petitioner inter alia submits that the petitioner who was not named in the FIR was later on nominated as an accused on the basis of disclosure made by co-accused Satish, as per which the petitioner was armed with 'binda' but no specific injury is attributed to the petitioner. The counsel for the petitioner further submits that the petitioner is in custody since last more than 1 year and 11 months and during trial complainant Ankit Goyal and injured eye-witness Piyush Goyal are examined and copies of their statements are placed on record. The counsel for the petitioner further submits that the complainant was not witness to the occurrence and while Piyush Goyal admitted in his testimony that the names of accused were told to him by some person standing in the crowd. The counsel for the petitioner further submits that similarly situated co-accused Satya Parkash @ Goyal was granted regular bail by the learned trial Court vide order dated 23.12.2020. So the prayer is made that petitioner be granted regular bail.

The present petition is contested by the State counsel who on instructions from ASI Sandeep submits that the name of the petitioner appeared during the investigation of the case and it was found that the petitioner who was armed with 'binda' actively participated in the occurrence and all the accused including the petitioner caused injuries to deceased Sanjeev Goyal and Piyush Goyal and on account of said injuries Sanjeev Goyal later on died. The State counsel further submits that no doubt the complainant and

injured Piyush Goyal are examined but trial is still going on and Piyush Goyal in his testimony named the present petitioner. So prayer is made that the present petition be dismissed.

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

As per the allegations appearing in the FIR the accused persons attacked Sanjeev Goyal and Piyush Goyal and caused injuries to them, as a result of which Sanjeev Goyal died later on. However, the petitioner was not named in the FIR and his name surfaced on the basis of the disclosure made by co-accused Satish and as per said disclosure the petitioner was armed with 'binda' at the time of occurrence. However, no specific injury has been attributed to the petitioner who as per the custody certificate is in custody for the last more than 1 year and 11 months. As per the State counsel aforesaid binda was recovered at the instance of the petitioner during investigation. Now the trial is going on and as per the State counsel out of total 28 witnesses prosecution has examined 11 witnesses including complainant and injured Piyush Goyal. The petitioner has been named in the testimony of Piyush Goyal but no specific injury is attributed to him and as has been pointed out by the counsel for the petitioner, Piyush Goyal admitted that the names of accused persons were told to him by some persons who were standing in the crowd. Co-accused Satya Parkash @ Goyal who was not named in the FIR and was alleged to be armed with 'binda', was granted regular bail by

the learned trial Court vide order dated 23.12.2020. It will take considerable time for the trial to conclude. So no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus without commenting on the merits of the case the present petition is hereby accepted 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.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

08.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No