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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37818-2022 (O&M)
Date of Decision:31.08.2022

Shiv Dayal @ Dayal

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.347 dated 16.06.2019 (Annexure P-1) registered under Sections 148, 149, 323, 506, 302 and 120-B IPC registered at Police Station City Narnaul, District Mahendergarh, Haryana. The petitioner is in custody since his arrest on 10.08.2020.

The FIR came to be registered at the instance of Kunal son of Late Sh. Sandeep Kumar, who stated that on 15.06.2019 he had gone to the party of Vishnu Saini son of Rohtash Saini, who was a friend of his brother Bhupesh. He returned from the party and went to sleep. At about 2'O clock Rohit, Neeraj son of Rohtash and Vinay son of Radhay Sham came to his house and disclosed to him that after the party some persons had come in a vehicle and on 3/4 motor cycles in which Shiv Dayal, Monu Pehalwal and Pankaj Gohra along with 10/15 other persons were travelling and gave lathi blows on head of his younger brother and his brother had been taken to Government Hospital, Narnaul. The complainant asked to accompany the

aforementioned three boys. When he reached the hospital he saw that serious injuries had been suffered by his brother on the head because of which the doctor had referred his brother to a higher hospital. Thereafter he took his brother to NIMS Hospital, Jaipur where his treatment was going on.

Learned counsel further contends that the material witnesses have been examined and none of them have supported the prosecution case and were declared as hostile witnesses. Learned counsel submits that the co-accused of the petitioner, namely, Manish and Mahipal @ Monti have been released on regular bail by this Court vide order dated 05.08.2022. It is further pointed out that seventeen prosecution witnesses have been examined out of total thirty nine prosecution witnesses. He prays for bail.

Learned State counsel assisted by SI Brhamjit while opposing the prayer has argued that the name of the petitioner was specifically mentioned in the FIR, whereas co-accused, who have been granted bail were not named in the FIR, however, it is not disputed by him that the case set up by prosecution against both these accused is common. It is also not disputed that the material witnesses have been examined.

After hearing the learned counsel for the parties, this Court finds that the material witnesses have already been examined by the prosecution and the co-accused of the petitioner have already been released on regular bail. This Court upon considering the custodial period of the petitioner does not find any reason to further detain him behind the bars, as the trial would still consume considerable time to conclude.

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.

31.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No