

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

CRM-M-38207-2022 (O&M)
Date of Decision:-21.11.2022

Sumit @ Mantri

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harish Kumar Bhatti, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Dayanand.

GURVINDER SINGH GILL, J. (Oral)

CRM-43874-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 18.1.2023 and is taken on board today.

CRM-M-38207-2022 (Main Case)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.583 dated 16.8.2020, Police Station Hisar Sadar, District Hisar, under Sections 147, 149, 302, 323, 325 and 341 of Indian Penal Code.

2. The FIR in question was registered at the instance of Satbir, wherein he stated that on 16.8.2020, when he alongwith his brother Jagdish, uncle Ram Singh and nephew Dinesh were going for a morning walk towards their fields as usual, then a car overtook them and stopped near another car parked near the T-point; 9-10 persons armed with rods and sticks alighted from the said vehicles. Atma Ram, who was carrying a rod, raised a '*lalkara*' exhorting his companions to attack the complainant and others. Upon which, Sunil Panghal, Naveen, Kuldeep, Atma Ram himself and others attacked complainant's brother Jagdish and inflicted injuries to him. When the complainant tried to rescue his brother Jagdish, he was also caused injuries. Jagdish, later succumbed to his injuries.
3. Learned counsel for the petitioner submitted that although as many as 4 persons are named in the FIR, the petitioner is nowhere specifically named. It has further been submitted that the petitioner has been nominated as an accused on the basis of supplementary statement made by the complainant on the very next day of the occurrence, the admissibility and veracity of which would be debatable. Learned counsel has submitted that identically situated co-accused namely Monu has already been granted bail by this Court vide order dated 11.5.2022 passed in CRM-M-28424-2021 (Annexure P-2).
4. On the other hand, learned State counsel submits that since the petitioner has been specifically named by the complainant in his supplementary statement, his complicity is clearly evident. Learned State counsel has submitted that the petitioner happens to be involved in one more case registered for offences under Section 302 IPC. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 3 months and that only 3 out of the cited 21 PWs have been examined.

5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated on the basis of supplementary statement made by the complainant. The admissibility and veracity of such like statement would be debatable. The petitioner has been behind bars for a substantial period of about 2 years and 3 months. Conclusion of trial is likely to consume time inasmuch as only 3 out of the cited 21 PWs have been examined so far. Identically situated co-accused Monu has already been granted bail. In these circumstances, further detention of the petitioner would not be justified. 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.

21.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No