

CRM-M-42676-2021

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

CRM-M-42676-2021 (O & M)

Date of decision: 22.04.2022

Surender @ Shinder

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kapil Kumar, Advocate for
Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Kuldeep Sheroan, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.63 dated 15.03.2020, registered at Police Station Uklana, District Hisar, under Sections 147, 149, 323, 325, 342, 367, 427 and 506 IPC and Sections 109 and 302 IPC (added later on).

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that Sombir, owner of the barber shop where the alleged occurrence took place, and Anwar Ali, a worker in the said shop, while appearing before the trial Court as PW 1 and PW 2, have not supported the prosecution version and turned hostile; that Amit Kumar, brother of the deceased, while appearing before the trial Court as PW 3, had not attributed any specific injury to the petitioner and the co-accused

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and rather, he is not an eye-witness to the alleged occurrence; that similarly PW 4 Darshan Singh, who is also not an eye-witness to the alleged occurrence, had not specifically attributed any injury to the petitioner and the co-accused. Learned counsel further contends that there were total 07 injuries on the person of the deceased, which were on the non-vital parts of his body. Moreover, author of the FIR, namely, Anil @ Baba had expired after 05 days of the alleged occurrence and that too because of cardiac arrest, which is evident from the death information certificate issued by the Oscar Super Speciality Hospital & Trauma Centre, Rohtak. The petitioner has been in custody since 01.02.2021.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, while opposing the submissions made by the learned counsel for the petitioner, submits that the petitioner alongwith the co-accused had actively participated in the crime. However, he does not dispute the fact that two eye-witnesses, namely, Sombir and Anwar Ali, while appearing before the trial Court as PW 1 and PW 2, have not supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. The petitioner has been in custody since 01.02.2021. Two eye-witnesses i.e. PW 1 Sombir and PW 2 Anwar Ali have not supported the prosecution version. Even PW 3 Amit Kumar, brother of the deceased, who is also not an eye-witness to the alleged occurrence, had not attributed any specific injury to the petitioner. All the seven injuries on the person of the deceased were on the non-vital parts and as per the medical record, the cause of death was

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cardiac arrest. Out of 38 prosecution witnesses, 05 witnesses have been examined till now. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

22.04.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No