

209

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

CRM-M-40627-2022 (O&M)
Date of decision : 16.09.2022

Sajid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Kamal Deep Sehra, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.148 dated 20.07.2019 registered under Sections 148, 149, 323, 342, 506, 307 of the Indian Penal Code, 1860 (Section 302 of IPC has been added later on) at Police Station Rozka Meo, District Nuh.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 22.07.2019. It is further submitted that the petitioner is not involved in any other case. It is contended that in the present case, there are 11 accused in all. It is further contended that the deceased Naveen had suffered one injury on the head with a brick on account of which, he died and a perusal of the evidence of the

complainant Kundan, who has been examined as PW2 (Annexure P-3), would show that the said brick injury has been attributed to co-accused Maksoodan, wife of Akhtar. It is argued that there were 5 injured persons even from the side of the petitioner and although, regarding the same, no cross version has been got registered by the police but a private complaint had been given by the co-accused Akhtar with respect to the same but the same was not entertained as said Akhtar could not sign the same as he was in custody. It is further argued that as far as the petitioner is concerned, he has not been attributed any specific injury with respect to the deceased. It is also submitted that a perusal of statement of Kundan who had appeared as PW2 and who is the complainant in the case, would show that the petitioner has been attributed one *farsa* blow from the reverse side which is alleged to have hit the left shoulder of the said complainant and as per MLR, there is no injury on the left shoulder of the said complainant. It is also contended that the material witnesses have been examined and, thus, question of the petitioner influencing the said witnesses does not arise. It is submitted that on account of the long custody undergone by the petitioner, he is entitled to the grant of regular bail.

On the other hand, learned State counsel as well as the complainant have opposed the present petition for grant of regular bail to the petitioner and have submitted that in addition to the injury, the petitioner had caused *farsa* blow from the reverse side on left shoulder of Kundan-complainant and the petitioner had also slapped the said Kundan-

complainant on his face before the Panchayat. It is further submitted that it is on account of attack by the petitioner and other co-accused that one person has died and five other persons have suffered injuries.

This Court has heard learned counsel for the parties and perused the paper book.

The petitioner Sajid is in custody since 22.07.2019 and since out of 25 witnesses, only 15 witnesses have been examined, thus, the trial is likely to take time. The petitioner is not involved in any other case. The deceased has suffered one injury on the head inflicted with a brick bat, which has been attributed to Maqsoodan, as is clear from the evidence of PW2-Kundan (Annexure P-3). The petitioner Sajid has not been attributed any specific injury with respect to the deceased. It is the case of the petitioner that there are five injured from the side of the petitioner and although, no cross version has been registered by the police but a private complaint has been filed by co-accused Akhtar, although the same was not entertained on account of fact that he could not sign it as he was in custody.

Keeping in view the facts and circumstances, moreso, the custody period undergone by the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final

expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

16.09.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**