

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

CRM-M-46160-2021 (O&M)

Date of decision: 11.03.2022

Ajay @ Bittu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.311 dated 01.08.2019, registered under Sections 302, 303, 307, 323, 325, 147, 148, 149, 109, 120-B IPC, at Police Station Azad Nagar Hisar, District Hisar.

Status report by way of affidavit dated 12.01.2022 of the Deputy Superintendent of Police, Hqrs. Hisar, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR and was later on indicted in the present case on the basis of the disclosure statement of the co-accused; that only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased); that no recovery has been effected from the petitioner; that the petitioner has been in custody since 21.08.2019; that the challan has already been presented and that the petitioner was not seen in the CCTV footage. He further submits that as three

co-accused, namely, Ravinder, Binder and Krishan @ Boxer have already been granted the concession of bail, the petitioner may also be granted such concession, on the ground of parity.

He further submits that as far as other cases are concerned, the petitioner has already undergone the sentence in five cases; stands acquitted in one case and in four cases he is an under-trial.

Learned State counsel, while vehemently opposing the prayer for bail submits that a fight took place in the jail premises and that the petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.08.2019. The petitioner was indicted in the present case on the disclosure statement of the co-accused. Only kicks and fist blows have been attributed to the petitioner, upon Talwinder and Harjeet but not upon Ravinder (since deceased). Three similarly placed co-accused are on regular bail. The charges are yet to be framed. Therefore, the conclusion of the trial would take a long time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.03.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No