

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

CRM-M-10-2021(O&M)

Date of decision:-21.1.2022

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Pankaj Bali, Advocate
for the petitioner.

Mr.Sharad Aggarwal, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Surender, an accused in FIR No.109 dated 22.6.2019, under Sections 148, 149, 302, 341, 120-B IPC and Section 3 of SC & ST Act, 1989, registered with Police Station Sadar, Kaithal.

Briefly stated, the prosecution story is that on 22.6.2019 at about 6:00/7:00 p.m., Jarnail Singh son of Prem Singh, resident of village Dhons was subjected to assault by several persons i.e. Ram Mehar @ Minkal Star, Jagtar, Vikram, Sultan, Sahni, Raj, Ajay, Rahul and Ajay Pandit while armed with gandasis, lathies and other weapons; the petitioner//accused Surender was one of such assailants; Jarnail Singh

succumbed to the injuries suffered by him in the said incident. Formal FIR in the matter was registered. The Petitioner - accused was arrested in this case on 26.6.2019 and presently he is facing trial before the Court of Sessions at Kaithal. He had tried his luck for getting bail by moving a petition before the Court of Sessions at Kaithal, which was assigned to learned Additional Sessions Judge, Kaithal, who vide order dated 6.12.2019 dismissed his such application. Thereafter, the petitioner/accused had approached this Court earlier by way of filing petition CRM-M-55546 of 2019 but his that petition was withdrawn on 13.3.2020. Now the petitioner/accused has approached this Court again for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner is not named in the FIR and he was nominated in the supplementary statement of the complainant. Furthermore, the fatal blow is not attributed to him alone, rather death of the deceased is said to have occurred on account of collective effect of the multiple injuries caused to him by the assailants. Though the petitioner is behind bars for more than 2 ½ years but the completion of trial does not appear to be possible in the near future especially on account of breaking out of third wave of Covid-19. The eye-witnesses in the instant case namely Jony Kumar, Rajpal and Kartara are said to have been examined, copies of their statements had been forwarded to this Court by the trial Court. On being asked the State counsel on instructions has informed that the petitioner

does not have any past criminal record. One of the co-accused namely Bhulla Ram is said to have been granted concession of regular bail.

As such, without expressing any opinion on the merits of the case, the petition is allowed and the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kaithal, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court.

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds. The petitioner be asked to surrender his passport. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

21.1.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No