

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

CRM-M-51921-2021 (O&M)

Date of decision: 21.02.2022

Raj Kumar @ Paiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer is for grant of regular bail to the petitioner in case bearing FIR No. 129 dated 07.05.2019 under Sections 302, 307, 323, 34, 341, 506 IPC and added Sections 148, 149, 212, 324 IPC and Section 25 Arms Act registered at Police Station Parao, Ambala Cantt., District Ambala.

Status report by way of affidavit dated 17.02.2022 of the Deputy Superintendent of Police, Ambala Cantt, District Ambala, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the vague allegations have been levelled against the petitioner; that only injury No. 8 is attributed to the petitioner, which is on the left knee of the deceased; that as per the opinion of the Doctor, the cause of death was hemorrhage and shock consequent upon

stab injury to the chest i.e. Injury No. 1, which is sufficient to cause of death in ordinary course of nature; that co-accused Rohit, Lucky and Dharmender @ Rishu have been granted regular bail by this Court and Rahul and Sikander by the trial Court and that the petitioner has been in custody since 24.05.2019.

Learned counsel for the petitioner further submits that the petitioner is involved in 20 other cases, out of which in 13 cases, he has been acquitted and in 2 cases, he has already undergone the sentence. In support of his case, he relies upon the judgment passed by the Hon'ble Apex Court in Prabhakar Tewari Vs. State of U.P. And another, 2020(1) RCR (Criminal) 831.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner is a habitual offender and has actively participated in the crime and there is specific attribution towards him. However, he does not dispute the custody period of the petitioner. He submits that 14 prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.05.2019. 14 prosecution witnesses are yet to be examined, therefore, the conclusion of the trial would taken a long time. Out of 20 other cases, the petitioner has been acquitted in 13 cases and in 02 cases, he has already undergone the sentence. 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 heavy bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, the prosecution agency would be at liberty to file an application for cancellation of bail granted to the petitioner, if he is found to be influencing the prosecution witnesses at any stage.

(HARNARESH SINGH GILL)
JUDGE

21.02.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No