

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

**CRM-M-52851 of 2021 (O&M)
DATE OF DECISION :- March 10, 2022**

Salman

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Gautam Dutt, Advocate
and Ms. Eknor Kaur Sara, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

Mr. Kamaldeep Sehra, Advocate for the complainant.

CRM No. 2145 of 2022

The case has been taken up through Video Conferencing.

This is an application for exemption from filing the certified copy/true typed copy of order dated 29.1.2020 (Annexure P-10) and placing on record order as Annexure P-10.

Heard.

Allowed.

CRM-M-52851 of 2021

This second petition for regular bail has been filed by petitioner Salman, son of Jabbar Khan, aged 20 years, resident of village Udaka, P.S. Rozka Meo, District Nuh, an accused in F.I.R. No. 0148 dated 20.7.2019 registered with Police Station Rozka Meo, District Nuh for offences under Sections 148, 149, 323, 342, 506, 307 IPC (Section 302 IPC added lateron).

Briefly stated the facts of the case as per prosecution story are that on 19.7.2019, an incident had taken place at Village Udhaka, Rozka Meo in which

Naveen, complainant Kundan, Ram Avtar, Nitesh, Satish and Prem were injured. Naveen had succumbed to the injuries suffered in the incident.

Formal F.I.R with regard to the occurrence was recorded. The petitioner was arrested in this case on 29.7.2019. On completion of investigation, challan against the petitioner and his co-accused has been filed in the Court and the trial is pending. The next date of hearing fixed therein is said to be 29.3.2022 for prosecution evidence.

The petitioner had approached the Court of Sessions at Nuh seeking regular bail but was unsuccessful, as such he had come to this Court seeking the similar relief. As mentioned above, he had knocked at the door of this Court earlier also but had withdrawn the said petition.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner has contended that the injury attributed to the petitioner is on leg of Satish and even as per the prosecution story, no specific blow to the deceased Naveen has been attributed to him much less fatal the one; similarly placed accused Aamir has since been granted concession of regular bail by this court while allowing the petition bearing CRM-M-35750 of 2020 on 16.11.2021 (Annexure P-9). He has further contended that the material witnesses in this case have since been examined; the conclusion of trial may take considerable time, therefore, the petition be accepted whereas the request is being opposed by learned State counsel as well as learned counsel for the complainant who have contended that the petitioner is involved in another criminal case bearing F.I.R. No. 64 dated 22.4.2016 for offence under Sections 323, 324, 506, 34 IPC registered with Police Station Rozka Meo, District Nuh; he was part of unlawful assembly which had assaulted several persons causing injuries to them and one of the such persons namely Naveen had died, therefore, concession of regular bail be not granted to him.

After hearing the rival contentions, I find that keeping in view the fact that the petitioner is in custody since 29.7.2019 i.e. for more than 2½ years and prosecution has not been able to conclude its evidence so far and in that way, the conclusion of trial is likely to take some time. Further a similarly placed accused Aamir has already been granted concession of regular bail with the eye witnesses and other material witnesses having been examined and only official witnesses statedly are left to be examined, the petition deserves to be accepted and it is hereby allowed. Petitioner Salman is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Nuh 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.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

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.

(H.S. MADAAN)
JUDGE

March 10, 2022

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No