

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

CRM-M-53822-2021

Date of decision: 09.02.2022

Krishan @ Boxer

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Singla, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.311 dated 01.08.2019, registered under Sections 302, 307, 323, 147, 148, 149 IPC and Sections 303, 325, 109, 120-B, 180 IPC (added later on), at Police Station Azad Nagar, District Hisar.

Status report dated 24.01.2022, by way of affidavit of the Deputy Superintendent of Police, Headquarters, Hisar, filed in the Registry, is taken on record.

As per the prosecution version, the petitioner and the co-accused had committed the murder of one Ravinder and caused injuries to Talwinder and Harjeet in the jail premises.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that he has been indicted on the disclosure statement of the co-accused; that the petitioner did not participate in the alleged occurrence; that the only allegation against the petitioner is that he was standing at the gate of the barrack at the time of

the alleged occurrence; that no injury has been attributed to the petitioner; that the petitioner has been in custody since 06.09.2019; that the charges are yet to be framed; that similarly situated co-accused, Ravinder and Binder stand enlarged on regular bail by this Court, vide orders dated 30.09.2021 passed in CRM-M-19280-2020 and CRM-M-25774-2021, respectively, and that out of four other cases pending against the petitioner, he stands released on bail in three cases. On these premise, the learned counsel prays for the grant of bail to the petitioner.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, submits that the petitioner being accused of the offence under Section 302 IPC, is not entitled to the concession of bail. However, he does not dispute the fact that no injury has been attributed to the petitioner.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. No injury has been attributed to him. The petitioner has been in custody since 06.09.2019. The charges are yet to be framed. As noticed above, co-accused, Ravinder and Binder stand enlarged on regular bail by this Court, vide orders dated 30.09.2021 passed in CRM-M-19280-2020 and CRM-M-25774-2021, respectively. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.02.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No