

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-335-2022 (O&M)

Date of decision : 01.06.2022

Ashish

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.487 dated 30.12.2020 under Sections 302, 323, 341, 324, 148 and 149 Indian Penal Code, 1860 (Section 201 IPC added later on) registered at Police Station Civil Line Jind, District Jind, who is in custody since his arrest on 05.01.2021.

The above FIR was registered on the statement of complainant Sultan, who stated that he has two children, one boy and a girl. His son Naveen Singh, aged nineteen years went to City Jind from his village. He received information that Naveen Singh, Jitender and Parveen got injured at bus stand and they have been admitted in General Hospital, Jind, whereupon he along with Raj Karan and Kulbir, went to the hospital and found that his son Naveen Singh has been declared dead by the doctor because of injuries suffered by him during fight and the treatment of Jitender and Parveen was going on. On inquiry, he came to know that Kiran daughter of Rajender was being harassed

by Ashish, Ajay and Badal along with 4-5 unidentified boys. When Naveen Singh, Parveen and Jitender tried to stop them, then they with their common intention attacked with knives and one of the knife hit the chest of Naveen Singh. Jitender and Parveen also suffered injuries. Naveen Singh, Jitender and Parveen were taken to General Hospital, Jind where Naveen Singh was declared dead. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the prosecution has already examined the material witnesses including the complainant and alleged eye-witnesses-Jitender and Parveen. He further submits that co-accused of the petitioner, namely, Anil @ Dhillia has already been released on regular bail vide order dated 23.11.2021 (Annexure P-2) and fatal injury to the victim-Naveen was inflicted by co-accused-Ajay. He has pointed out that after framing of charges on 20.01.2022, out of total 27 witnesses, only six witnesses have been examined so far. He prays for bail.

On the other hand, learned State counsel assisted by SI Balbir while opposing the prayer has argued that the petitioner was participant in the alleged occurrence, however, does not dispute this fact that the co-accused of the petitioner has already been released on bail. He on instructions further states that the case is fixed for 29.07.2022 for recording the remaining prosecution evidence before the trial Court.

After hearing learned counsel for the parties, considering the above background, custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as twenty one prosecution witnesses remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in

judicial custody after his arrest on 05.01.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

01.06.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No