

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

202

CRM-M-1281-2023 (O&M)  
Date of decision: 21.04.2023

Shiv Kumar @ Babbal

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

Mr. J.S. Hooda, Advocate for the complainant.

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**HARNARESH SINGH GILL, J. (ORAL)**

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.140 dated 08.06.2021, registered at Police Station Chhainsa, Faridabad, under Sections 148, 149, 324, 307, 325, 379-B and 506 IPC, the first one having been dismissed as withdrawn on 07.09.2022.

The status report by way of affidavit dated 19.04.2023 of the Assistant Commissioner of Police, Tigaon, District Faridabad, submitted by the learned State counsel in the Court is taken on record. Copy of the same has been handed over to the learned counsel for the petitioner in the Court.

Learned counsel for the petitioner submits that as per the allegations, though the injury under the right armpit of injured-Parveen with a knife, has been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 02.07.2021; that it is a case of version and cross-version; that the petitioner has also received three injuries; that the

recovery of knife has already been effected; that at one stage co-accused Harender @ Bholla, to whom knife injury on the person of Parveen was attributed by the complainant while stepping up into the witness box, has been declared innocent; that there is no other pending or decided case against the petitioner; that out of 21 prosecution witnesses, only 01 has been examined so far and that an application under Section 319 Cr.P.C. filed for summoning said Harender @ Bholla, is pending consideration before the learned trial Court.

Learned State counsel and learned counsel for the complainant, while opposing the prayer for bail submit that the petitioner had actively participated in the occurrence and inflicted injury under the right armpit of injured-Parveen with a clear intention to kill him and that while the complainant and his family members were taking injured-Parveen to the Police Station for registration of the FIR, the petitioner along with co-accused, who were armed with knives, rods and batons, followed them and had also inflicted injuries on the person of the injured-Naveen and snatched his golden chain. They submit that the petitioner does not deserve the concession of regular bail.

However, learned State counsel does not dispute the custody period of the petitioner and that there is no other case against the petitioner. She submits that out of 21 prosecution witnesses, 01 has been examined.

I have heard the learned counsel for the parties.

Though the knife injury under the right armpit of Parveen is attributed to the petitioner, yet the fact remains that the petitioner has been in

custody since 02.07.2021. In the present case, three injuries have also been received by the petitioner and it is a case of version and cross-version. Co-accused Harender @ Bholla, who was attributed knife injury on the person of Parveen, has been declared innocent and the application for summoning him as an additional accused under Section 319 Cr.P.C. is pending for decision before the learned trial Court. The recovery of knife has already been effected. The remaining 20 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner. 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 bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

21.04.2023  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |