

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4103-2022

Date of Decision: 17.5.2023

Bhoop Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.518 dated 5.8.2021 registered for the offences punishable under Sections 302, 34 IPC at Police Station HTM, Hisar.

2. As per allegations appearing on record, at the time of the occurrence, co-accused Krishan @ Tallu gave blow of iron handle of hand pump on chest of Sanjay son of the complainant while the present petitioner gave fist, leg blows and brick bat blows to said Sanjay. There are also allegations that the petitioner also slapped the complainant who tried to intervene.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is incarcerated for the last more than 1 year and 9 months and is having no criminal history and that fatal injury (liver injury) is not attributed to the petitioner and rather the same is

stated to be caused by co-accused Krishan @ Tallu. He further submits that the petitioner is in custody since 7.8.2021 and only fist and kick blows are attributed to the petitioner. It is further submitted that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is contested by the State counsel who submits that the petitioner was accompanying Krishan @ Tallu at the time of the occurrence and he gave fist, kick blows and brick bat blows to Sanjay and at the same time, co-accused Krishan @ Tallu gave blow of iron handle of hand pump in the chest of Sanjay and later on, Sanjay died due to liver injury and copy of his post mortem report is Annexure R-1. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 1 year and 9 months and the trial is going on. State counsel further submits that the trial will be concluded very shortly.

5. I have considered the submissions made by the counsel for the parties.

6. No doubt, the petitioner is named in the FIR but fatal injury is not attributed to him and the same is attributed to his co-accused Krishan @ Tallu. The petitioner was arrested during investigation and is in custody for the last more than 1 year and 9 months and is having no criminal history. Further, complainant-Kamla has already been examined during trial and copy of her testimony is available on record. Even she has not attributed any fatal injury to the present petitioner. Admittedly, trial is going on but it will take considerable time for conclusion of trial. The exact complicity of the petitioner will be unfolded during trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 17, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No