

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-4927-2023(O&M)
Date of decision: 10.05.2023

Vijay Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pratap Singh Gill, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG Haryana.
Mr. M.R. Sharma, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.54 dated 10.04.2020, registered under Sections 302, 323 IPC read with 34 IPC, at Police Station Rajound, District Kaithal.

The status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that this is the second regular bail petition and the earlier one was dismissed as withdrawn on 29.10.2022; that the petitioner has nothing to do with the occurrence and has falsely been implicated in the present case; that Balkar (PW-5), an eye-witness has attributed injury to the petitioner on the head of Sukh Nandan @ Sukha, but said Sukh Nandan @ Sukha did not turn up to the Radiology Department for Xray; that the petitioner has not been attributed any specific injury on the person of deceased-Jora; that as per the statement of Dr. Aashish Mittal (PW-1), the possibility of injury on the person of deceased by a fall could not be ruled out and that the petitioner has been in custody since 10.04.2020 and that out of 18 prosecution witnesses, only 08 have been examined so far.

Learned counsel for the petitioner further submits that despite issuance ofailable warrants, the prosecution witnesses are not stepping into the witness box and that the next date before the learned trial Court is 22.05.2023. It is further submitted that during investigation, many young boys of the village were called as it was a blind murder case; that Sanjay and Sunil were left out and the petitioner and his brother Vijay, were indicted. It is further submitted that the petitioner is not a previous convict.

Learned State counsel and learned counsel for the complainant, while opposing the prayer for bail, submit that the petitioner has actively participated in the occurrence and in connivance of other accused persons committed the murder of Jora, son of the complainant. They further submit

that Dr. Aashish Mittal (PW-1) in cross-examination, has deposed that the injury described over the left lateral chest wall could be caused by *Danda* and as per the statement of Sukh Nandan @ Sukha, recorded under Section 161 Cr.P.C., the petitioner had given injury to deceased-Jora

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 18 prosecution witnesses, 08 have been examined but material witnesses are yet to be examined and thus, the petitioner is not entitled for concession of regular bail.

I have heard the learned counsel for the parties.

Though the petitioner was named in the FIR and Balkar (PW-5), an eye-witness has attributed injury to the petitioner on the head of Sukh Nandan @ Sukh, but the fact remains that said Sukh Nandan @ Sukha himself did not turn up to the Radiology Department for his Xray and the petitioner has been in custody since 10.04.2020 i.e. more than 03 years. Moreover, no specific injury has been attributed to the petitioner on the person of Jora (deceased) and there is no other pending case against the petitioner nor he is a previous convict. As many as 10 more prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. 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

10.05.2023
Mangal Singh

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