

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-5922-2023

Date of decision: - 09.02.2023

Karam Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Prabhjeet Singh Sullar, Advocate,
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the second petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.110 dated 12.06.2021, registered under Sections 323, 302, 34 and 506 IPC, at Police Station Shahzadpur, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 13.06.2021 and out of total 24 prosecution witnesses, only 3 witnesses have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner had withdrawn the earlier bail application on 05.04.2022 with liberty to file a fresh petition after the alleged eye witness Mukhtiar Singh and complainant Jagtar Singh have been examined. It is also submitted by learned counsel for the petitioner that after the passing of the said order,

Jagtar Singh has been examined as PW-1 on 16.01.2023 and Mukhtiar Singh has been examined as PW-2 on 20.02.2022. It is stated that as per the allegations in the FIR, the petitioner has not inflicted any injury upon deceased, nor any weapon has been recovered from the petitioner nor he was stated to be armed with any weapon and the injuries suffered by the deceased have been attributed to co-accused Sohan @ Sonu. It is further stated that the petitioner is a 60 year old person and is not involved in any other case and that the dispute had taken place suddenly on account of the demarcation proceedings that had been carried out with respect to the land owned by the petitioner and the complainant party.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the allegations in the FIR, the petitioner alongwith Sahil had caught hold of the deceased Jaswant Singh and Sohan @ Sonu, who was carrying a knife in his hand, had stabbed the deceased Jaswant Singh in the chest several times. It is further submitted that the petitioner has also played an active role in the incident and thus, he does not deserve the concession of regular bail. The other facts, however, have not been disputed by learned State counsel.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner has been in custody since 13.06.2021 and out of total 24 prosecution witnesses, only 3 witnesses have been examined, thus, the trial is likely to take time and the petitioner is not involved in any other case and the petitioner is 60 years old and is not alleged to have been armed with any weapon, nor has been attributed any

injury and further, no recovery has been effected from him and the injuries suffered by the deceased have been attributed to co-accused Sohan @ Sonu, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

February 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No