

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-6621 of 2023
DATE OF DECISION:-02.03.2023

Ravinder alias Dholu

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate, with
Ms. Tejaswini, Advocate, for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.1135 dated 14.12.2021 under Sections 148/149/302/323/342/367/506 of IPC of 1860 and Section 3(2)(v) of SC/ST Act, 1989, registered at Police Station Hisar Sadar, District Hisar (Annexure P-1).

The FIR in question was recorded at the instance of one Sandeep S/o Chaman Lal, who allegedly even received injuries in the incident. Learned counsel for the petitioner submits that petitioner is behind the bars for a period of almost 1 year 2 months now and the investigation already stands concluded with the filing of *challan* followed by framing of charges. Learned counsel further submits that injured-complainant Sandeep son of Chaman Lal appeared as PW-1 and even in his deposition made before the Court, he has not named the petitioner. Learned counsel also submits that petitioner was not named in the FIR and there is no other case pending against the petitioner, thus, the petitioner deserves concession of regular

bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the present case pertains to a brutal murder of a young man of 38 years namely Vinod son of Om Parkash and considering the nature of allegations, petitioner does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

From a perusal of the statement of injured/eye-witness/complainant namely Sandeep son of Chaman Lal, it can be traced out that he did not name the petitioner in his entire deposition, attributing any kind of role to him in the incident in question. More than that, investigation already stands concluded with the filing of *challan* followed by framing of charges and there being no other case pending against the petitioner, thus, the petitioner deserves the concession of regular bail.

At this stage, without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

02.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No