

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216-A

CRM-M-6904-2023 (O&M)
Date of decision: 22.08.2023

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Robin Lohan, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case bearing FIR No.433 dated 28.09.2020, registered at Police Station Narnaund, Hansi, Hisar, under Sections 147, 148, 149, 302, 323, 452 and 506 IPC and Section 325 IPC and Section 25 of the Arms Act, 1959.
2. Learned counsel for the petitioner contends that this is the second petition for bail (the first one having been dismissed as withdrawn on 21.04.2022); that now, there is a change in circumstance, inasmuch as, the testimony of the complainant has been recorded and that co-accused, namely, Jindal, Suresh, Kanhiya and Naseeb, have since been granted the concession of regular bail by this Court. Learned counsel further contends that the petitioner has been in custody for the last 02 years, 09 months and 26 days and so far as other cases pending or registered against the petitioner are

concerned, he stands acquitted in two cases, whereas in other two, he is on bail.

3. Learned counsel for the petitioner further submits as per the FIR, no injury has been attributed to the petitioner; that the attribution of baton blows on the persons of Ram Kumar (since deceased) and Karambir-son of the deceased, is based on the own disclosure statement of the petitioner; that no recovery was effected from the petitioner that that out of 36 prosecution witnesses, only 07, including the complainant, have been examined so far.

4. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner had actively participated in the occurrence and as per his own disclosure statement he had given baton blow on the person of the deceased as well. The petitioner is a habitual offender and is also involved in other cases. However, he does not dispute the custody period of the petitioner. He submits that some material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 2 years. So far as the other four cases pending or registered against the petitioner are concerned, he stands acquitted in two cases, whereas in other two, he is on bail. No blood stain was found on the baton recovered from the petitioner. On his own disclosure statement, the petitioner has been attributed injuries. Remaining 29 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

22.08.2023
Mangal Singh

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