

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
223

CRM-M-7908-2023

Date of Decision: 11.04.2023

Amit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 248 dated 24.04.2022 registered under Sections 148, 149 and 304 IPC at Police Station Gohana City, Sonapat.

As per prosecution story, the present FIR was registered upon an application moved by complainant-Om Parkash, to the effect that his brother-Baru Ram was working as Chowkidar at the petrol pump M/s Haryana Filling Station at Fawara Chowk, Gohana. On 24.04.2022 at about 10:30 A.M., he had gone to meet his brother at the pump. At that time, accused Dinesh, Sathish and Parveen R/o of village Bharwar along with 2-3 other persons came there and a quarrel had arisen in between them. In the scuffle, they beat Baru Ram with dandas and also

gave fist and leg blows. Dinesh and Satish, hit Baru Ram on his head, arms and legs with dandas and their accomplices had beaten him with fist and leg blows, on account of which Baru Ram felt unconscious and the assailants fled away from the spot. The complainant took his brother to General Hospital, Gohana, where he succumbed to his injuries.

Learned counsel *inter alia*, contends, that petitioner has falsely been implicated in the instant case on the basis of disclosure statement suffered by his co-accused, which is a very weak type of evidence. The material witnesses, namely, PW-1 Om Parkash (complainant) and his son PW-2 Sohan Lal, have already been examined by the trial Court and both of them have been declared hostile as they have not supported the prosecution version. The petitioner is in custody since 26.04.2022. Nothing has to be recovered from him. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner namely, Parveen, had already been granted the concession of regular bail by this Court vide order dated 01.02.2023 (Annexure P-4). Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may also be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that co-accused of the petitioner, namely; Parveen, had already been released on bail by this Court vide order dated 01.02.2023

(Annexure P-4) and conclusion of trial may take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Amit, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

11.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No