

CRM-M No.9248 of 2023

2023:PHHC:156279

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.9248 of 2023

Date of Decision: 07.12.2023

RADHEY SHYAM MUNI**.....Petitioner****Vs****STATE OF HARYANA****....Respondent****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.502 dated 05.12.2019 registered under Sections 302, 34, 120-B IPC at Police Station Rania, District Sirsa, Haryana.

2. Reply way of an affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Ellenabad, Distt. Sirsa on behalf of the respondent/State has been filed in Court. The same is taken on record.

3. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations that he gave iron stick/saria blow on the head of deceased Lakhbir Singh.

4. The prayer made on behalf of the petitioner has been opposed at the instance of learned State counsel while submitting that the petitioner actively participated in the incident and even gave an iron stick/*saria* blow on the head of deceased and thus, does not deserve the concession of regular bail. Leaned State counsel also points out that out of total 30 prosecution witnesses, 15 witnesses have been examined and the trial is likely to be concluded soon.

5. I have heard learned counsel for the parties and gone through the paper book as well as reply filed on behalf of the respondent/State. I find substance in the submissions made by learned counsel for the petitioner.

6. In the present case, the incident took place on 05.12.2019 and the petitioner is behind the bar for a period of almost 04 years as of now. The trial is likely to take sometime as the next date fixed before the Trial Court is 06.03.2024, whereas 15 prosecution witnesses are yet to be examined. Moreover, petitioner never gave fatal blow as the same has been attributed to Shankar Bhayya, who gave an axe blow on the head of deceased. Even motive can also be attributed to Shankar Bhayya only. It has also been pointed out that other two accused namely Safak and Umesh have already been granted concession of regular bail by this Court vide order dated 16.09.2022 passed in CRM-M No.27078 of 2022.

7. In view of discussion made, I do not see any reason to extend the incarceration of the petitioner, who is already behind the bar for the last more than 4 years, particularly when 15 prosecution witnesses are yet to be examined.

8. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on

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bail, subject to furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

December 07, 2023

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(HARKESH MANUJA)
JUDGE

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