

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11499-2023 (O&M)
Date of Decision:- 14.03.2023

Ajay alias Kaka ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpreet Singh Dhillon, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.124, dated 14.07.2020, Police Station Nigdhu, Karnal, under Sections 148, 149, 302, 323, 506 IPC and Section 3(2)(v) of the SC and ST Act.
2. The allegations, in nutshell, are that in a scuffle Gandhi (co-accused) gave a blow with 'sua' (bodkin) in the waist of Ujjwal (complainant) while another accused Gurvinder @ Bobby gave fist blows on the chest of complainant. When the complainant's brother Prajjwal tried to rescue him then Gurvinder @ Bobby and his cousin Prince caught hold of complainant's brother Prajjwal while Ajay @ Kaka and co-accused Gandhi gave blows with their respective bodkins to

complainant's brother. It is further the case of prosecution that although complainant's brother was rushed to hospital but he succumbed to his injuries.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant Ujjwal stepped into the witness box, he did not identify the accused to be the assailant. Learned counsel in this regard has drawn the attention of this Court to the said statement annexed as Annexure P-6.
4. It has further been submitted that even the other eye-witnesses i.e. PW-2 Gauri and PW-3 Pradeep who have been examined during the proceedings of trial have not stated a word against the petitioner. It is submitted that the petitioner has been behind bars since the last about 2 years and 8 months and as such deserves the concession of bail.
5. Opposing the petition, learned State counsel submits that it is apparently a case wherein the petitioner has been able to win over the witnesses and since the factum of the injuries and death of the victim cannot be denied, the complicity of the petitioner is clearly evident. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 2 years and 8 months and that as on date 3 out of the cited 19 PWs have been examined.
6. This Court has considered the rival submissions.
7. It is no doubt correct that the allegations have been levelled in the FIR against the petitioner, but when the complainant as well as other eye witnesses appeared in the witness box, they did not support the

case of the prosecution qua the petitioner. In these circumstances, the petitioner, who has been behind bars since the last about 2 years and 8 months need not be detained further. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.03.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

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