

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

**CRM-M-12077-2023
DECIDED ON: 02.05.2023**

RAMAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ramesh Kumar Bamal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.202, dated 19.08.2021, under Sections 120-B, 148, 149, 302, 452, 506 IPC (during investigation Section 452 IPC replaced by Section 449 IPC added later on) registered at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and neither any overt act nor any injury has been attributed to him. He further claims parity in the light of the fact that four other co-accused persons have already been granted the bail who have in fact suffered less custody period than the petitioner but the

case of the petitioner was adjourned due to non-availability of the custody certificate on the previous date as well.

Today, Learned State counsel has filed custody certificate in the Court today and the same is taken on record. Mr. Gagandeep Singh Chhina, AAG Haryana asserts that the role of the petitioner was only to carry out the vigil with a danda outside the place of occurrence and, therefore, cannot claim parity with the other co-accused persons, though, admits the fact very fairly that no injury has been attributed to the petitioner.

Considering the fact that the petitioner has not caused any injury and only role given by the prosecution in the FIR is that he kept a vigil outside the place of occurrence carrying a danda, which stands already recovered meaning thereby, custodial interrogation of the petitioner is not required added with the fact that challan stands presented. Out of 26 witnesses, only one has been examined so far, which shows that trial is likely to take long time. This Court also cannot lose sight of the fact that other four co-accused have been granted concession of bail, admittedly their custody period was less.

Therefore, even on that ground, petitioner cannot be declined the concession of regular bail and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, Jind.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

02.05.2023

Lavisha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>