

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

226

CRM-M-13096-2023 (O&M)

Date of Decision: 18.07.2023

GURDEEP @ CHHOTA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rakesh Kumar Lathwal, Advocate and
Mr. Yashbeer Kharab, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this second petition is for grant of regular bail in case bearing FIR No.112 dated 26.02.2021, under Sections 120-B, 148, 149, 302 and 341 IPC at Police Station City Panipat, District Panipat, the first one having been dismissed as withdrawn on 18.02.2022.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner along with 9-10 more persons, was indicted on the basis of the supplementary statement of the complainant under Section 161 Cr.PC., which was recorded after two days of the alleged occurrence; that only kick and fist blows on the person of the deceased have been attributed to the petitioner; that the injuries on the person of the injured were from the sharp-edged weapon and that the petitioner has been in custody since 04.03.2021. He further submits that the complainant and the other seven eye-witnesses, while deposing before the learned trial Court, have not supported the prosecution version and

turned hostile.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he gave kick and fist blows on the person of the deceased. He further submits that most of the prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.03.2021. The petitioner was not named in the FIR and was indicted on the basis of the supplementary statement of the complainant, recorded under Section 161 Cr.P.C. after two days of the occurrence. Only kick and fist blows have been attributed to the petitioner. The complainant and the other seven eye-witnesses have turned hostile. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No