

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+223

CRM-M-15884-2023 (O&M)

Date of decision: 24.07.2023

Shekhar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sajal Bansal, Advocate and
Mr. Saransh Sabharwal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-24894-2023

For the reasons mentioned in the application, the same is allowed and copy of supplementary report under Section 173 of the Cr.P.C. is taken on record subject to all just exceptions.

CRM-M-15884-2023

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.37 dated 27.09.2021 under Sections 148/149/201/302/307/427/120-B of the IPC registered at Police Station Sector-7, Panchkula.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR (Annexure P-1), submits that a perusal of the same reveals that the only role attributed to the petitioner in the occurrence in question is a *lalkara*, and other than that no injury much less fatal injury on the person of the deceased, has been attributed to

him. Learned counsel submits that the petitioner has now been in custody since 25.02.2022 and none of the 44 prosecution witnesses cited has been examined till date. Learned counsel, thus, submits that in the facts and circumstances, there is no likelihood of the trial concluding in the near future, and, therefore, the petitioner be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from P/SI Ashish, has not been able to controvert the factual aspect of the submissions made by the counsel opposite qua the role attributed to the petitioner in the occurrence in question. He, on further instructions, has also not disputed that no injury much less fatal on the person of the deceased had been attributed to the petitioner.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 21.02.2022 and after the charges were framed on 02.02.2023 none of the prosecution witnesses have been examined. As per the learned State counsel, the next date fixed before the Trial Court is 21.09.2023 when 05 prosecution witnesses have been summoned. Hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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