

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

(210)

CRM-M-13920 of 2023
DATE OF DECISION:-24.04.2023

Balram

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.241 dated 03.07.2020 under Sections 302, 34 IPC, registered at Police Station Indri, Karnal.

(2) As per allegation levelled against the petitioner, he along with his co-accused namely Anil inflicted injuries to the victim namely Mohan Lal resulting into his death.

(2-A) Learned counsel for the petitioner submits that petitioner is in custody since 09.07.2020 and the charges in the present case have been framed on 07.01.2021, however, out of total 26 witnesses as cited by the prosecution, 7 witnesses have been examined so far, although, despite having been given 4 to 5 chances, complainant namely Sohan Lal has not appeared in support of the prosecution resulting into delay of conclusion of trial. He also relies upon an order dated 14.12.2022 (Annexure P-5) passed by this Court in CRM-M-5264-2022 wherein, co-accused Anil was granted concession of bail.

(3) On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that the case of the petitioner is distinguishable from the case of co-accused Anil. He further submits that one more case i.e. FIR No.329/2019 under Section 148/149/323/324/341/34 IPC at P.S. Indri, Karnal, has also been registered against the petitioner, though, in the said case, petitioner is already on bail

(4) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(5) In the present case, petitioner was taken into custody on 09.07.2020 and he has already suffered incarceration for a period of 2 years 9 months and 11 days by now whereas, charges were framed on 07.01.2021, however, even after the expiry of more than 2 years, complainant has not been examined so far thereby resulting into delay in conclusion of the trial. Out of 26 witnesses as cited by the prosecution, only 7 have been examined so far. Besides it, the other co-accused namely Anil has already been granted concession of bail by this court vide order dated 14.12.2022 passed in CRM-M-5264-2022. Although, the present petitioner is involved in one another FIR, however, he has already been granted bail in the said case and is facing trial. In the facts and circumstances of the case, I do not find any reason to extend the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

(6) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(7) However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

24.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No