

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-14602-2023

Date of decision: 19.07.2023

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Narender Kaajla, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.212 dated 13.04.2022 under Sections 147, 148, 149, 323 and 302 of the Indian Penal Code, 1860 registered at Police Station Narnaund, District Hisar.

2. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, *inter alia* submits that a perusal of the same clearly reveals that other than the presence of the petitioner having been shown along with co-accused at the time of the alleged occurrence no role much less the fatal injury on the person of the deceased had been attributed to him. It has been submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature. It has further been

submitted that the petitioner has now been in custody for more than a year having been arrested on 01.05.2022 and till date only 03 out of the 21 prosecution witnesses cited have been examined. It has still further been submitted that after the recent arrest of another accused supplementary challan would be presented, hence, it is evident that the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to dispute the factual aspect of the submissions made by the counsel opposite qua there being no injury attributed to the petitioner. He, however, submits on instructions that the petitioner was present at the time of the alleged occurrence along with co-accused and it did find mention in the FIR that "8-10 persons who were present there had also inflicted injuries on the person of the deceased".

4. On a pointed query, learned State counsel has not controverted that fatal injury on the head of the deceased with a brick has not been attributed to the petitioner but to co-accused Vikas and Sachin.

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

6. The petitioner has been in custody since 01.05.2022. No injury much less to the deceased has been attributed to the petitioner in the occurrence in question. The trial will take considerable time to conclude as 18 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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7. 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.

19.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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