

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21319-2021

Date of Decision: 28.3.2023

Ram Karan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Bhanu Udai, Advocate for
Mr. Vikas Gulia, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Radhey Shyam, Advocate, for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.195 dated 10.7.2020 registered for the offences punishable under Sections 148, 149, 302, 323, 427, 452 IPC at Police Station Israna, District Panipat.

FIR in the present case was registered against Sandeep Sarpanch and 10 other persons who attacked the house of complainant- Rajinder and all of them were armed with different weapons and after entering the house of the complainant, co-accused Jai Singh gave rod blow on the head of Dharam Pal, co-accused Kimti gave *gandasi* blow on the leg of Neeraj, co-accused Anil gave sword blow on the leg of Sandeep while Sandeep Sarpanch and his brother Bittu gave rod blows on the neck and

other parts of the body of Ankush. Other accused persons also attacked Ankush, as a result of which, Ankush suffered serious injuries and died at the spot. The petitioner was not named in the FIR which was registered against 11 other persons. The petitioner was named as accused on the basis of the disclosure made by co-accused. Thereafter, the petitioner was arrested.

Counsel for the petitioner *inter alia* submits that the petitioner was not named in the FIR and later on, arraigned as accused and is in custody for the last more than 2 years and 7 months and one wooden *danda* is stated to be recovered by the police at the instance of the petitioner. He further submits that no specific injury has been attributed to the petitioner and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be granted regular bail.

Present petition is contested by the State counsel who submits that the petitioner was named as accused on the basis of the disclosure statement made by co-accused and thereafter, the petitioner was arrested and he got recovered one wooden *danda* which was used by the petitioner at the time of the occurrence. However, the State counsel has not disputed the fact that no specific injury has been attributed to the petitioner who is in custody for the last more than 2 years and 7 months. He further submits that till date, only PW-Neeraj has been examined while complainant-Rajinder and Dharam Pal are partly examined.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was

later on, nominated as accused on the basis of the disclosure made by co-

accused and the petitioner got effected recovery of one wooden *danda* after his arrest. Admissibility and veracity of the disclosure statement made by co-accused against the present petitioner is to be tested during trial. The petitioner is in custody for the last more than 2 years and 7 months and no specific injury has been attributed to the petitioner. It will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 28, 2023
Paritosh Kumar

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