

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

CRM-M-20836-2023

Decided on:-02.05.2023

Surender @ Gurmail

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nikhil Kumar Vashisht, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.121 dated 22.03.2022, under Sections 302 and 34 IPC, registered at Police Station Nissing, District Karnal, Haryana.

2. As per the allegations levelled in the FIR, the petitioner pushed one Kashmir Singh, who fell down and got injuries on the head, resulting into his death.

3. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges, however, none of the prosecution witness has been examined out of total of 17, thus, trial is likely to take some time. He further submits that petitioner is a young boy of 25 years of age, who is in custody for the last more than 1 year and 01 month, with no past criminal

antecedents.

4. On the other hand, prayer made in the present petition has been vehemently opposed by learned State counsel while submitting that petitioner played an active role in the incident, resulting into the death of Kashmir Singh.

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

6. Considering the fact that the petitioner is behind the bars for a period of more than 1 year and 1 month, investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and trial is likely to take time as none of the prosecution witness has been examined out of total of 17, besides it, the petitioner being a young boy of 25 years with no past criminal antecedents, I do not find any reason to extend his incarceration, any further.

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

02.05.2023
sonika

(HARKESH MANUJA)
JUDGE

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