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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 21.11.2023

(I) CRM-M-20932-2023 (O&M)

RITIK @ RABIN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

(II) CRM-M-30974-2023 (O&M)

AJAY KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Randeep S. Dhull, Advocate
for the petitioner in CRM-M-20932-2023.

Mr. Sandeep Saini, Advocate
for the petitioner in CRM-M-30974-2023.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.319

dated 15.10.2021, under Sections 148, 149, 307, 323, 324 and 506 of the IPC, registered at Police Station Thanesar City, District Kurukshetra, Haryana.

3. CRM-M-20932-2023 is a third regular bail petition, whereas CRM-M-30974-2023 is a first regular bail petition and as per the learned counsel for the petitioner in CRM-M-20932-2023, the first bail petition was dismissed by this Court on 16.03.2022 and the second bail petition was dismissed as withdrawn on 20.12.2022.

4. Learned counsels appearing on behalf of both the petitioners submitted that both the petitioners are in custody for about 2 years and it is a case where the allegations against the petitioners are that they had caused injuries to a co-prisoner in jail while they were in custody in some other case. They further submitted that in the present case, 8 prosecution witnesses have been examined out of total cited 19 prosecution witnesses and the complainant, doctor and all other material witnesses stand examined. They also submitted that even otherwise also, the injuries in the present case were simple in nature. They further submitted that now the custody of both the petitioners is about 2 years and the trial of the case may take long time to conclude and therefore, the petitioners may be considered for the grant of regular bail.

5. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana submitted that it is correct that both the petitioners are in custody for about 2 years and the injuries attributed to the petitioners were simple in nature. He has however submitted that both the petitioners are involved in number of other cases as well and therefore, the petitioners do not deserve the concession of regular bail.

6. I have heard the learned counsel for the parties.
7. Both the petitioners are in custody for about 2 years and as per the learned counsel for the parties, 8 prosecution witnesses have been examined out of total cited 19 prosecution witnesses including the complainant, doctor and all other material witnesses. It is also stated by the learned counsel for the parties that the injuries in the present case were simple in nature, although they were caused in jail to a co-prisoner. The pendency of other cases against both the petitioners cannot become a bar for grant of regular bail considering the aforesaid facts and circumstances of the present case where the injuries were simple in nature and also considering the long custody of both the petitioners and the stage of the trial. Furthermore, it is not the case of the learned State counsel that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.
8. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

21.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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