

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

CRM-M No.23556 of 2023
Date of decision: 16th May, 2023

Ritik @ Rankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepender Singh, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.1194 dated 20.12.2017 under Sections 148, 149, 323, 379-B, 506 IPC and Sections 25/54/59 of the Arms Act, 1959 (Sections 307, 302, 325, 379-B IPC added later on) registered at Police Station Saran, District Faridabad (Haryana).

Learned counsel for the petitioner inter alia submits that the petitioner has now been in custody since 30.12.2017 and there is no likelihood of the trial concluding in the near future, as an application filed under Section 311 Cr.P.C. was allowed on 01.07.2022 and hence, the prosecution witnesses would have to be re-examined. He submits that there are as many as 32 prosecution witnesses cited and after the

application under Section 311 Cr.P.C. was allowed on 01.07.2022, none of the prosecution witnesses have been examined.

While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that even otherwise the petitioner has not been attributed the fatal injuries on the person of the deceased, but has been attributed only fist and kick blows on the legs and hands of the deceased. He has further submitted that it was not even a case of ocular testimony, and rather it was a case based on the statement made by the deceased over the phone to his brother i.e. the complainant.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that the petitioner was not attributed the fatal injuries on the person of the deceased. He, however, submits that the petitioner was an active participant in the occurrence in question. He further submits that prior to moving of application under Section 311 Cr.P.C., as many as 16 prosecution witnesses had been examined, who had supported the case of the prosecution.

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

The petitioner has been in custody for almost 5 ½ years, having been arrested on 30.12.2017. Since the application under Section 311 Cr.P.C. moved by the complainant party has been allowed

and some of the prosecution witnesses would have to be re-examined, the trial shall take considerable time to conclude. Still further, it has also been conceded by the State that the petitioner has not been attributed the fatal injuries on the person of the deceased, but fist and kick blows only on his legs and hands. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 16, 2023
rps

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