

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

CRM-M-26401-2023
Date of decision: 29.05.2023

SANJAY		...PETITIONER
	VERSUS	
STATE OF HARYANA		...RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok K. Sharma Bhana, Advocate for the petitioner.

 Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Sanjay-petitioner is seeking regular bail in the case bearing FIR No.60 dated 11.02.2022 under Sections 148/149/285/302 IPC and Section 25 of Arms Act (later on Sections 148/149 deleted and Sections 323/34 IPC were added) registered at Police Station Jind Sadar, District Jind, Haryana.
3. Learned counsel for the petitioner contends that as per the allegations, the petitioner along with the co-accused had attacked the family of the complainant which resulted in the death of Jaipal, the son of the complainant. It has been further submitted that no injury has been attributed to the petitioner. Though, he is stated to be armed with baseball bat. Only eye-witness in the occurrence is the complainant who has not supported the prosecution version during the course of trial. The petitioner is in custody for a period of 01 year, 03 months and 10 days. The petitioner is involved in two other cases and he is on bail in the case bearing FIR No.506 dated 12.07.2016, under Section 379 IPC, registered at Police Station City Jind, District Jind. The other case against the

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accused, Rahul has been granted regular bail by this Court in terms of order dated 13.04.2023 passed in CRM-M-57034-2022.

4. Learned State counsel has opposed the bail application on the score that the name of the petitioner has been specifically mentioned in the FIR.

5. Be that as it may, the FIR has been registered on the basis of the statement of the father of the deceased, who while appearing in the witness box, has not supported the prosecution version. Even, there is no allegation in the FIR to the effect that the petitioner had inflicted any injury on the person of the deceased or the complainant. The case of the petitioner is on parity with the co-accused, Rahul who has already been granted regular bail. The petitioner is in custody for a period of 01 year, 03 months and 10 days. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

29.05.2023

*renubala***(VIVEK PURI)**
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No