

CRM-M-28766-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28766-2022

Date of decision: 09.08.2023

AKASH ALIAS RINKU

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. V.B.Godara, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.311 dated 01.08.2019, registered at Police Station Azad Nagar, Hisar, District Hisar, under Sections 147, 148, 149, 307, 323, 302 and 303 IPC.
2. Status report dated 10/17.07.2023 by way of affidavit of the Deputy Superintendent of Police, Headquarters, Hisar, filed in the Registry, is taken on record.
3. As per the prosecution version, the petitioner and the co-accused had committed the murder of one Ravinder and caused injuries to Talwinder and Harjeet in the jail premises.
4. Learned counsel for the petitioner contends that the petitioner was not named in the FIR, but has been indicted on the disclosure statement of the co-accused; that the petitioner did not participate in the alleged occurrence; that as per the prosecution version, it was co-accused,

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namely, Jagdeep @ Dukhi and Pawan @ Poni, who had attacked upon deceased-Ravinder; that the only allegation against the petitioner is that he was standing at the gate of the barrack at the time of the alleged occurrence; that no injury has been attributed to the petitioner; that the petitioner has been in custody for the last 04 years and that out of 41 prosecution witnesses, none has been examined so far. It is further submitted that similarly situated co-accused, namely, Ravinder, Binder, Krishan @ Boxer stand enlarged on bail by this Court. So far as other cases registered or pending against the petitioner, are concerned, he is facing trial in 32 cases whereas he has been acquitted in 09 cases. It is further submitted that merely on the basis of criminal antecedents, the claim of the petitioner cannot be rejected. In support of his contentions, learned counsel relies upon the judgments rendered by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012, titled as 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and another', decided on 16.01.2012, and 'Prabhakar Tewari vs. State of U.P & Anr.', Law Finder DocId#1670858.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence and that the petitioner being accused of the offence under Section 302 IPC, is not entitled to the concession of bail.

6. I have heard the learned counsel for the parties.

7. The petitioner was not named in the FIR, but has been indicted on the disclosure statement of the co-accused. No injury has been attributed to him. As stated above, the co-accused have since been bailed

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out. So far as other cases registered or pending against the petitioner, are concerned, he is facing trial in 32 cases whereas he has been acquitted in 09 cases. Moreover, pendency of several criminal cases by itself is not ground to refuse the prayer for bail and in this regard reference is made to Prabhakar Tewari's case (supra).

8. The petitioner has been in custody since 08.08.2019. Out of 41 prosecution witnesses, none has been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

9. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No