

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-28229-2023 (O&M)

Date of Decision: 12.09.2023

Parteek @ Parikshit @ Partikshik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Navmohit Singh, Advocate,
for the petitioner.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

VIKAS SURI, J. (Oral)

CRM-25018-2023

This is an application under Section 482 Cr.P.C. seeking exemption from filing certified copy of Annexures P-1 to P-4.

For the reasons mentioned in the application, same is allowed.

CRM stands disposed of.

CRM-M-28229-2023

1. This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.134 dated 07.04.2020, under Sections 148, 149, 188, 323, 324, 326, 307, 506, 120-B, 216 IPC and Section 25 of the Arms Act, registered at Police Station Indri, District Karnal, Haryana.

2. Learned counsel for the petitioner would submit that the petitioner has been implicated in the present case due to village rivalry. It is submitted that the petitioner is in custody since 10.05.2022 and trial is not likely to conclude in near future as the complainant *viz.* Dilbag Singh is not coming forth to face cross-examination despite several adjournments for the purpose. It is further submitted that co-accused Munish @ Minu, who has been attributed the grievous injury, which was declared dangerous to life, has already been granted the concession of regular bail by this Court, and that the main accused Pardeep @ Bindu, who has been attributed fatal injury with *katta*, resulting in amputation of two fingers of the right hand of complainant, too has been enlarged on bail by the Apex Court vide order dated 07.07.2023; taking into consideration the period of custody and that trial is not progressing, thus, the petitioner be enlarged on bail.

3. Learned counsel for the petitioner, referring to the order dated 24.05.2023 (Annexure P-3) passed in CRM-M-6332-2023, submits that the counsel representing the complainant was not in a position to dispute that more than 10 effective opportunities have been granted to the complainant to present himself to face cross-examination. It is further submitted that the petitioner is having clean antecedents and is not involved in any other case.

4. Learned State counsel has filed the custody certificate dated 11.09.2023 in Court today, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. Learned State counsel vehemently opposes the present petition by contending that the petitioner

has played an active role in the commission of offence and does not deserve the relief being prayed for.

5. Heard rival contentions of learned counsel for the parties.
6. Keeping in view of the fact that the petitioner is in custody since 10.05.2022; the trial is likely to take some time to conclude; inordinate delay in conclusion of the trial is taking place; the main accused Pardeep @ Bindu and co-accused Munish @ Minu having been granted the concession of regular bail; and petitioner being not involved in any other case, no useful purpose would be served in keeping him behind bars for an indefinite period.
7. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail on execution of adequate personal bond and surety bond(s) to the satisfaction of concerned trial Court/Duty Magistrate.
8. However, anything observed hereinabove is only for the purpose of instant petition and the same shall have no effect on the merits of the case.

September 12, 2023

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No