

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

237

CRM-M-28962-2023 (O&M)
Date of decision: 08.08.2023

Ravi Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 255 dated 10.03.2020 registered under Sections 302, 341 and 34 IPC and Sections 324, 201 IPC and Section 25 of the Arms Act, 1959 added later on, at Police Station Model Town, District Panipat. The earlier petition was dismissed as withdrawn on 11.05.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that initially, the petitioner was not named in the FIR, rather he has been subsequently indicted in the present case at the behest of injured-Vijay; that the brick blow injury has been attributed to the petitioner on the person of injured-Viay; that no injury has been attributed to the petitioner on the person of Shubham (since deceased), even it has been stated so by the complainant-father of the deceased and injured-Vijay; that the petitioner has been in custody for the last 03 years and 04 months; that out of 17 prosecution witnesses, only 10 have been examined

so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner have actively participated in the murder of Shubham by inflicting knife injuries and he has given brick blows on the person of injured-Vijay. However, he does not dispute the custody period of the petitioner. He submits that though out of 17 prosecution witnesses, 10, including the complainant and injured-Vijay, have been examined yet some of the material witnesses are yet to be examined, thus, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 03 years and 04 months. No injury on the person of the deceased has been attributed to the petitioner, even it has been stated so by the complainant-father of the deceased and injured-Vijay, who has already been examined. Remaining 07 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

08.08.2023 <i>Mangal Singh</i>	(HARNARESH SINGH GILL) JUDGE
Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No