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

CRM-M-28913-2023 (O&M)

Date of decision :17.07.2023

Sonu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Parminder Singh, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by the learned trial court, petitioner aged 28 years an undertrial seeks his release in a case bearing FIR No.597 dated 30.06.2021, registered under Section 302 of the Indian PenalCode, 1860 at Police Station Karnal Sadar, District Karnal.

2. Case was registered on the complaint of Parveen Kumar, brother of the deceased/victim with the allegations that 10-15 days ago, some altercation took place between Sonu (present petitioner) and his brother Vinod Kumar. Complainant along with Azad and Sarnam were standing on a street turn and were in conversation. After some time Sonu came raising lalkara, holding wooden Kari in his hand and he inflicted many wooden Kari blows on the head of Vinod Kumar causing his death. FIR under Section 302 was registered.

2.1. Petitioner was arrested on 01.07.2021 and since then he is in custody.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. The case of the prosecution is based on circumstantial evidence. There is no eye witness to the alleged incident. There is one statement of Babli w/o Azad that there was darkness and they have not seen the incident. There is no evidence of the past history of alleged altercation. He submits that challan has already been presented. Petitioner is no more required for custodial interrogation. Complainant has already been examined. He further submits that conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

4. Per contra, learned State counsel on instructions submits that there are total 15 prosecution witnesses, out of which 06 have been examined. He strenuously opposes the bail petition on the ground that the witnesses whose testimonies have been recorded, have supported the prosecution version and trial is likely to resultant in conviction and, therefore, petitioner should not be granted concession of bail, at this stage. He further contends that the offence against the petitioner is serious in nature.

5. I have heard the rival contentions of the respective learned counsels.

6. Given the nature and gravity of offence, I am not inclined to grant bail at this stage as possibility of the petitioner influencing the unexamined witnesses cannot be ruled out. In the premise, at this stage, no case of indulgence is made out. However, the petitioner is at liberty to approach learned trial Court after the completion of recording of testimony of non-official prosecution witnesses and learned Court below shall be at liberty to entertain the petition for grant of bail, if so moved,

and pass fresh orders, as it may deem fit. The bail petition is accordingly dismissed.

7. It is made clear that any observations made herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing/disposal the instant bail petition alone and learned trial Court shall proceed further in accordance with law without being influenced with this order.

8. Pending application(s), if any, shall also stand disposed of.

17.07.2023

Vandana

(ARUN MONGA)**JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No