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

**CRM-M-32570-2022 (O&M)
Date of decision-04.01.2023**

Ajay @ Koyta

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-50253-2022

Application is allowed and deposition of eye-witness PW-9
namely Parveen as Annexure P-11 is taken on record.

CRM-M-32570-2022

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail pending trial in case FIR No.0487 dated 30.12.2020
registered under Sections 148, 149, 302, 323, 324 and 341 of Indian Penal
Code (Section 201 IPC added later on) at Police Station Civil Line Jind,
District Jind, who was arrested on 05.01.2021.

The above FIR was registered on the statement of complainant
Sultan, who stated that he has two children, one boy and a girl. His son
Naveen Singh, aged nineteen years went to City Jind from his village. He

received information that Naveen Singh, Jitender and Parveen got injured at bus stand and they have been admitted in General Hospital, Jind, whereupon he along with Raj Karan and Kulbir, went to the hospital and found that his son Naveen Singh has been declared dead by the doctor because of injuries suffered by him during fight and the treatment of Jitender and Parveen was going on. On inquiry, he came to know that Kiran daughter of Rajender was being harassed by Ashish, Ajay (petitioner) and Badal along with 4-5 unidentified boys. When Naveen Singh, Parveen and Jitender tried to stop them, then they with their common intention attacked with knives and one of the knives hit the chest of Naveen Singh. Jitender and Parveen also suffered injuries. Naveen Singh, Jitender and Parveen were taken to General Hospital, Jind where Naveen Singh was declared dead. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the other co-accused have already been released on regular bail by this Court vide order dated 23.11.2021. He has further drawn the attention of the Court to the deposition of the material witnesses to contend that they have not supported the case of the prosecution and were declared hostile. He submits that since the trial of the case is likely to consume considerable time, the petitioner be released on bail.

While opposing the prayer, learned State counsel assisted by ASI Dinesh has argued that the case of the petitioner is distinguishable from the other co-accused as fatal knife blow is attributed to the petitioner. However, it is not disputed by learned State counsel that the other co-accused namely Anil, Kamal, Badal and Aashish, who were members of

unlawful assembly have already been released on regular bail. He on instructions further states that after framing of charges on 20.01.2022, out of total 27 witnesses, only 14 witnesses have examined so far. The next date before the trial Court is 05.01.2023 for remaining prosecution witnesses.

After hearing the learned counsel for the parties and considering the above background as well as custody of the petitioner, this Court finds that the material witnesses have already been examined by prosecution and the other co-accused have also been released on bail, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 05.01.2021. Apart from it, the conclusion of trial is likely to take considerable time as still prosecution has to examine nearly 13 witnesses.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

04.01.2023
geeta

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No