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

CRM-M-33270-2022

Date of decision : 12.04.2023

Subhash Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana

VIKAS BAHL, J. (ORAL)

This is a second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.147 dated 13.03.2022 registered under Sections 120-B, 302, 307, 34 of the Indian Penal Code, 1860 at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.04.2022 and there are 33 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner had earlier filed a regular bail application which was dismissed as withdrawn on 27.05.2022 at that stage and even subsequent to the same, sufficient time has lapsed and yet the trial has not made any progress. It is contended that the petitioner is not involved in any other case and that even

as per the case of the prosecution, it was allegedly Sahil son of the petitioner and Neeraj who had caused injuries to the deceased-Amit and the present petitioner was not present at the spot and the only allegation against the petitioner is that several days prior to the alleged incident, he had visited and threatened the complainant party with dire consequences on account of a dispute which had arisen between Sahil son of the petitioner and the complainant party as Sahil was riding his motorcycle and the complainant party had told him to drive carefully. It is further contended that the petitioner is not involved in the present incident and has been implicated only on account of being the father of Sahil.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted on instructions from SI Naresh Kumar, that as per the case of the prosecution, the injuries were caused by Sahil and Neeraj in conspiracy with the present petitioner and the present petitioner had developed enmity with the complainant party on account of the incident which had taken place on 26.02.2022 with respect to son of the petitioner riding the motorcycle at a high speed, on account of which, the complainant party had advised him to drive safely.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances more so the facts that the petitioner is in custody since 01.04.2022 and out of 33 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that the petitioner is not involved in any other case and as per the case of the prosecution, has not

been attributed any injury having been caused to the deceased and was not even present at the place of occurrence on the date the deceased-Amit had died on account of injuries inflicted by the co-accused, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

12.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**