

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-33216-2023

Date of decision: 18.07.2023

Pardeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.934 dated 03.11.2022 under Sections 147, 149, 302 and 323 of the IPC (Sections 302, 147 and 149 of the IPC deleted and Sections 304, 34 and 325 of the IPC added lateron) registered at Police Station Azad Nagar Hsar, District Hisar.

2. Learned counsel for the petitioner while drawing the attention of the this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that a perusal of the same clearly reveals that it was a case of sudden quarrel between the parties and it was in fact the complainant party which had descended at the house of the petitioner accused and thereafter initiated the quarrel by throwing brick bats. Learned counsel submits that the petitioner has now been in custody since 19.11.2022 and after the charges framed on 12.04.2023 none of the 25 prosecution witnesses cited have been examined till date. It has also been brought to the notice of this Court that co-accused who were allegedly present at the time of the

occurrence in question had been extended the concession of bail by a Coordinate Bench of this Court vide orders dated 04.05.2023 and 15.05.2023 (Annexure P-2).

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that initially a quarrel had erupted at some marriage function. When the deceased along with his friends went to the house of the petitioner to sought sort out the dispute, he was inflicted an injury with a brick which proved to be fatal for him. However, learned State counsel has not been able to dispute that the offence under Section 302 of the IPC stands deleted and the petitioner has been charged only under Sections 304/323/325/34 of the IPC.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 19.11.2022. The trial is unlikely to conclude in the near future as none of the prosecution witnesses have been examined till date. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No