

CRM-M-36869-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36869-2023

Decided on :04.12.2023

Ansh Verma@ Kariya

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ritesh Tomar, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

HARKESH MANUJA, J (ORAL)

1. By way of petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.273 dated 27.06.2022, under Sections 147, 148, 149, 323, 506 IPC (Sections 302, 120-B, 201 IPC added later on), registered at Police Station SGM, Nagar, Faridabad.

2. In the present case, the petitioner has been implicated on the basis of supplementary statement of complainant, who alleged that kicks and fist blows were given by the petitioner to the deceased, at the time of incident.

3. The prayer made herein has been opposed at the instance of learned State counsel, on instructions from SI Kamal Chand, who submitted that the petitioner was member of the assailants and gave fatal blows to the deceased, namely, Deepak and thus the petitioner does not deserves the concession of bail.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. The petitioner is already behind the bar for a period of one year and three months as of now. The investigation stands concluded with the filing of challan followed by framing of charges. Moreover, out of total 41 witnesses, none has been examined so far. The role attributed to the petitioner is of having given fist and kicks blows to the deceased. Considering the fact that the petitioner is not involved in any other case and for the past more than 11 months despite the charges having been framed, out of total 41 witnesses, none of the prosecution witness has been examined so far and the trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

04.12.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No