

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-37692 of 2023

Date of Decision:09.08.2023

Parvinder @ Rakesh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepender Singh, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to both the petitioner in FIR No.1194 dated 20.12.2017, under Sections 148, 149, 323, 379-B, 506 of the IPC and Section 25/54/59 of the Arms Act (Sections 307, 302, 325 IPC added and Section 379-B IPC deleted later on), registered at Police Station Saran, District Faridabad.

2. Learned counsel for the petitioner submitted that the petitioner has faced incarceration for about five years and seven months. He submitted that it is a case where as per the allegations, the petitioner alongwith other co-accused had caused multiple injuries to the deceased who later on died in the hospital. He submitted that the petitioner has been falsely implicated in the present case and even otherwise also the other co-accused, namely, Tarun @ Tara and Aakash @

Kaka have been extended the benefit of regular bail by this Court vide Annexure P-9 on 21.07.2023 and the present petitioner is at parity with the aforesaid two co-accused because qua the aforesaid two co-accused also the injuries were attributable by using *Danda* and baseball bat and the injuries attributable towards the present petitioner was by using a baseball bat. He submitted that although the present is the successive bail petition but now the other co-accused have been granted regular bail, the petitioner may be considered for the grant of regular bail. He also submitted that one another co-accused, namely, Ritik @ Rankit also has been granted regular bail by a co-ordinate Bench of this Court. He further submitted that now 24 prosecution witnesses out of 27 have already been examined, but the prosecution has now moved application under Section 311 of the Code of Criminal Procedure for recalling of the prosecution witnesses which has been allowed by the learned trial Court and therefore the trial of the case may take much more time and considering the long custody of the petitioner which is five years and seven months, he may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and has clean antecedents.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that so far as the period of custody of the petitioner is concerned, the same is correct and it is also correct that the aforesaid co-accused have already been extended the benefit of regular bail. He has however submitted that the petitioner is the main accused in the present case.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for

about five years and seven months. The other co-accused, namely, Tarun @ Tara and Aakash @ Kaka have been extended the benefit of regular bail by this Court vide Annexure P-9 on 21.07.2023 and the role of the aforesaid two co-accused and the present petitioner were inflicting of injuries by *Danda* and baseball bat respectively. Be that as it may, the long custody of the petitioner is five years and seven months and now at this stage an application under Section 311 of the Code of Criminal Procedure is moved by the prosecution and the same was allowed by the trial Court as per learned counsel for the petitioner. It appears that the trial of the case may take much more time and apart from the above it is not in dispute that the petitioner is not involved in any other case and has clean antecedents. Furthermore, it is also not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

August 09, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No