

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-39556-2023 (O&M)

Date of Decision: 13.09.2023

SACHIN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this second petition is for grant of regular bail to the petitioner in case bearing FIR No.362 dated 04.08.2020, registered under Sections 148, 149, 302, 323, 506 IPC; Sections 201, 34 IPC (added later on) and Section 25 of the Arms Act, at Police Station Gharaunda Karnal, District Karnal, the first one having been dismissed on merits vide order dated 31.05.2022.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he, with a common intention, has given a lathi blow on the person of deceased, namely, Shiv Kumar; that Sarwan Kumar, Satbir Singh and Vikram i.e. the complainant, the father and the brother of the deceased respectively, while appearing before the Court below as PW-5, PW-3 and PW-4, have not supported the prosecution version and turned hostile and that co-accused, namely, Satish, has since been granted the concession of regular bail by this Court vide order dated

25.07.2023. He further submits that there is no other case registered and/or pending against the petitioner; that the petitioner has been in custody since 06.08.2020 and that out of 16 prosecution witnesses, only 4 have been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he has given a baton (lathi) blow on the person of the deceased and that the said baton (lathi) was recovered from the petitioner. He further submits that the most of the prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.08.2020 i.e. for about three years and one month. The only allegation against the petitioner is that he has given a lathi blow on the person of the deceased. There is no other case registered and/or pending against the petitioner. Co-accused has been enlarged on bail. Sarwan Kumar, Satbir Singh and Vikram i.e. the complainant, the father and the brother of the deceased, have not supported the prosecution version and turned hostile. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.09.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No