

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-42343-2023 (O&M)

Date of Decision: 04.09.2023

RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arun Chander Sharma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.112 dated 26.02.2021, registered at Police Station Panipat City, District Panipat, under Sections 120-B, 148, 149, 302 and 341 IPC.

Learned counsel for the petitioner submits that neither the petitioner was named in the FIR nor any specific role has been attributed to him; that the petitioner has been in custody since 07.03.2021 i.e. for about two years and six months; that out of total 33 prosecution witnesses, only 15 have been examined so far; That the complainant (PW-3) along with other witnesses i.e. PW-4, PW-7, PW-8 and PW-9, while appearing before the Court below have not supported the prosecution version and that co-accused, namely, Gurdeep @ Chhota, Akshay Kumar, Ajay and Sahil, have already been granted the concession of regular bail by this Court.

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 and that the complainant along with other prosecution witnesses have not supported the prosecution versions. She, however, submits that Sagar, while in hospital has specifically named Sonu, Aryan, Shekhar, Rohit and others and that the said accused persons have inflicted injuries on the person of Sagar with sharp edged weapon, who ultimately expired. She further submits that the petitioner had actively participated in the occurrence; that there are specific allegations against the petitioner and that the material 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 was not named in the FIR. The petitioner has been in custody since 07.03.2021 i.e. for about two years and six months. Co-accused have already been enlarged on bail. The complainant, who is the uncle (mama) of the deceased along with other prosecution witnesses, while appearing before the Court below as PW-3, PW-4, PW-7, PW-8 and PW-9 have not supported the prosecution version. 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.

04.09.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No