

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-46060-2022 (O&M)
Date of decision: 21.08.2023

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rohtash Kumar, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-34184-2023

Application is allowed as prayed for. Annexure P-7 is taken on record.

Main case:

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.433 dated 28.09.2020, registered at Police Station Narnaund, District Hisar, under Sections 147, 148, 149, 302, 323, 452 and 506 IPC and Section 25 of the Arms Act, 1959.
2. Learned counsel for the petitioner contends that the FIR was registered on the statement of Ram Mehar alleging therein that the petitioner along with co-accused have murdered Ram Kumar (since deceased) brother of the complainant; that the complainant (PW-4) in his cross-examination

attributed a *lathi* blow on the head of Karambir Singh @ Karmu, but no injury on the person of the deceased attributed to the petitioner; that even as per the MLR of Karambir Singh @ Karmu, issued by the Neki Ram Multispecialty Charitable Hospital, there was swelling and reddishness; that the petitioner has been in custody since 01.10.2020 and out of 33 prosecution witnesses, only 07 have been examined so far; that as far as one another case is concerned, the petitioner is on bail in that case and that co-accused, namely, Suresh, Jindal, Balraj and Naseeb have since been granted the concession of regular bail by this Court.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and he along with other co-accused inflicted injuries on the person of Ram Kumar and Karambir Singh @ Karmu, because of one of the injuries, Ram Kumar died. Co-accused Vishal has also given fatal injury on the person of Ram Kumar (since deceased). The petitioner is a habitual offender and is facing one more trial under the IPC. However, he does not dispute the custody period of the petitioner. He submits that some of the material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.10.2020. The injury attributed to the petitioner is on the person of Karambir Singh @ Karmu, no injury on the person of the deceased has been attributed to him. As per the MLR of Karambir Singh @ Karmu, no sharp edged injury was found on his body. Remaining 26 prosecution witnesses are yet to be examined. In another

case, the petitioner is on bail. Co-accused, namely, Suresh, Jindal, Balraj and Naseeb, have already been enlarged on bail. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.08.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No