

223 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-43826-2023
Date of Decision: 11.09.2023**

Saurav @ Gaurav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Karan Singla, Advocate,
 for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S. SHEKHAWAT, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.178 dated 06.05.2021 registered under Sections 120-B, 148, 149, 188, 269, 270, 302, 506 and 201 IPC, Section 25 Arms Act and Section 51 Disaster Management Act, at Police Station Sector-5, Panchkula, District Panchkula.

2. The FIR in the present case was got registered by Ms. Kajal wife of Karan, deceased. As per her, at about 10.00 pm on 05.05.2021, her husband Karan had gone out to go to the toilet. She went to sleep and woke up late at night and her husband, Karan had not returned home. She went outside and saw that many boys were dancing there and their names were Baba, Chibbu, Gaurav, Vishal, Kujja, Arjun, Vinay and 10-15 other boys were also there. While dancing, her husband-Karan had an altercation with them and they started beating her husband with punches and kicks. One of the boys had hit her husband-Karan with a knife on the left side of his stomach. Due to the said

injury, her husband fell down in a pool of blood and he was caused injuries by other also. Ultimately, her husband-Karan succumbed to the injuries caused by the accused in the said incident.

3. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR, but there was no specific attribution to him in the present case. He further contends that Mrs. Kajal, complainant was examined as a prosecution witness and in her improved version as a prosecution witness, she stated that petitioner had allegedly caught hands of Karan (since deceased) and Anil and Amit had caused injuries to him with a knife. He further contends that even as per the said improved version of the complainant, no other role has been assigned to the present petitioner. Learned counsel further contends that petitioner was arrested in the present case on 08.05.2021 and is in custody for the last about two years and four months and his further custody will serve no meaningful purpose. He further contends that the petitioner was not involved in any other criminal activities and is a first offender.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner is in custody since 08.05.2021 and out of total 27 witnesses, seven material witnesses have already been examined. Thus, there are no chances of tampering with the prosecution evidence. Apart from that, the only attribution to the present petitioner is that he had caught hold of the hands of the deceased, while Anil and Amit had caused

injuries to the deceased. Even otherwise, as per medical record, there is only one injury on the person of the deceased, which was caused by using a knife.

7. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned

11.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No