

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

324

CRM-M-45709-2022
Date of decision: 09.03.2023

PARDEEP KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This is a second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 204 dated 04.07.2020 registered under Sections 147, 148, 149, 302 & 120-B of the Indian Penal Code, 1860 at Police Station Siwani, District Bhiwani.

2. That the brief facts of the case of the prosecution as alleged in the FIR (P-1) are that on 04.07.2020 a birthday party was thrown by one Golu, son of Sh. Jaibir in the jungle of village Kalod in which heavy amount of liquor as well as beer was served. The complainant was also present in the party along with his brother Amit. As per the complaint given by the complainant to the police the host of the party i.e Golu was not present in the party and the complainant was punched and slapped repeatedly by accused Anil and Ravin during the course of

the party, after which he approached his father i.e. the deceased Pratap Singh, with the motive to call him (deceased) at the party to teach them a lesson. The deceased Pratap Singh came to the party on his Tractor followed by the complainant on his bike/motorcycle and on inquiring about the quarrel and the slapping/punching of his son Ankit, all the persons including the petitioner started beating the deceased and his son and his cousin brother. Anil and Ravin let the deceased fall and beat him continuously. During this the accused Anil and Ravin gave him the blows of beer bottles on his head and meanwhile all of the above mentioned persons gave him blows with slaps, punches and kicks due to which his father Pratap Singh died.

3. Counsel for the petitioner contends that the deceased is stated to have died as a result of hemorrhage on account of injuries received by him on his head. The said injuries are attributed to co-accused Anil and Ravin. He contends that the allegation against the petitioner is that he gave fist and slap blows injuries to the deceased. Further, the recovery has been effected from the other co-accused and no recovery was effected from the petitioner. He further submits that the petitioner is not involved in any other criminal case. He submits that the petitioner is a victim of a circumstances and was unfortunately present at the place on incident. The same took place at the spur of moment on account of an altercation with Ankit Kumar son of deceased of Partap Singh. There was no pre-meditation and that the petitioner cannot be said to be maliciously involved in the commission of the offence. He further contends that the petitioner is in custody since 04.07.2020 and has already undergone an actual custody of more than

02 years and 07 months. He further submits that there are total of 22 witnesses that are cited by the prosecution and only 06 witnesses have been examined so far. Conclusion of trial shall take long and continued incarceration of the petitioner in custody shall not advance any interest of justice.

4. Counsel for the respondent-State does not controvert the aforesaid aspect that as per the statement of the witnesses recorded under Section 161 Cr. P.C., the petitioner is attributed only fist and slaps blows on the deceased. He also does not controvert the fact that no recovery has been effected at the disclosure of the petitioner and submits that only 06 witness out of total 22 witnesses cited by the prosecution had been examined in the present case.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

6. Taking into consideration the circumstances noticed above, the age of the petitioner as 20 years, his clean antecedents, the role attributed, the period of custody as well as the stage of trial, I deem it appropriate to enlarge the petitioner on bail upon furnishing bail bonds/surety bonds to the satisfaction of the Trial Court.

7. Without commenting on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing the requisite bail bond/surety to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner

directly or indirectly.

9. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material available.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 09, 2023

Vishal sharma

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