

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

215

CRM-M-44393 of 2023

Date of Decision:20.09.2023

Satyender

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

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Present: Mr. Rohit Kapoor, Advocate,  
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

Mr. Ajay Nain, Advocate,  
for the complainant.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.301 dated 28.04.2021, under Sections 302, 323, 506, 34 of the IPC, registered at Police Station Sadar, District Hisar.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for about two years and five months. He submitted that 6 prosecution witnesses out of 22 cited witnesses have already been examined in the present case including the material witnesses. He submitted that the petitioner has clean antecedents and is not involved in any other case. He submitted that the complainant and the other eye witness have already been examined in the present case. He further submitted that one of the co-accused, namely, Sarjeet against

whom there were direct allegations in the FIR pertaining to causing injuries to the complainant although not on the deceased has already been extended the benefit of regular bail by this Court in CRM-M-33990 of 2023 on 26.07.2023 and submitted that although the allegations against the petitioner were with regard to causing injuries to the deceased on non-vital part of the body but considering the long custody of the petitioner and the fact that the material witnesses have already been examined, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana has filed custody certificate in respect of the present petitioner which is taken on record and while referring to the custody certificate submitted that the petitioner has already faced incarceration for about 2 years, 4 months and 20 days and is not involved in any other case and has clean antecedents. He also submitted that 6 prosecution witnesses out of 22 have already been examined including all the material witnesses.

4. Mr. Ajay Nain, learned counsel appearing on behalf of the complainant has opposed the grant of bail to the petitioner on the ground that the petitioner is not at parity with the aforesaid co-accused, namely, Sarjeet who has already been granted bail by this Court since the petitioner had caused injuries to the deceased.

5. I have heard learned counsel for the parties.

6. It is a case where the petitioner has already faced incarceration for about 2 years, 4 months and 20 days and he is stated to be not involved in any other case and has clean antecedents. The other co-accused, namely, Sarjeet has already been admitted to regular bail by this Court. The only distinction between

the attributions qua the aforesaid co-accused and the petitioner is that the other co-accused allegedly caused injuries to the injured-complainant whereas the present petitioner caused injuries to the deceased. All the material prosecution witnesses stand examined in the present case. It is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or he may repeat the offence.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)  
JUDGE

September 20, 2023  
dinesh

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |