

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

212

CRM-M-48887-2022 (O&M)

Date of Decision: 17.05.2023

SATENDER @ SATTE

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Vijay Sangwan, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.410 dated 09.10.2021, registered at Police Station Kanina, District Mohindergarh, under Sections 148, 149, 302 and 341 IPC and Section 120-B IPC (added later on), the first one having been dismissed as withdrawn vide order dated 28.07.2022.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, but has been indicted on the disclosure statement of co-accused, Ravi @ Langra; that neither the petitioner was present at the spot nor any injury has been attributed him and that the petitioner has been in custody since 19.10.2021. He further submits that as per the allegations, there was telephonic conversation of 25 seconds

between the petitioner and co-accused, Ravi @ Langra and that co-accused, namely, Harsh @ Sandeep, who was presented at the spot and had videographed the entire incident and circulated the same on Internet, has since been granted the concession of regular bail by this Court, vide order dated 11.10.2022 (Annexure P-2). Still further, it is submitted that co-accused, namely, Ajay @ Bhandari, has also been granted the concession of regular bail by the learned Additional Sessions Judge, Narnaul vide order dated 03.04.2023.

Learned counsel for the petitioner further submits that there is no other case registered and/or pending against the petitioner; that 32 prosecution witnesses are yet to be examined and that now an application under Section 319 Cr.P.C. has been moved by the complainant, which is pending consideration.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant do not dispute the custody period of the petitioner.

Learned State counsel submits that the petitioner had actively participated in the occurrence, inasmuch as, he was in constant touch with co-accused Ravi @ Langra, who has specifically been attributed injuries on the person of the deceased. She further submits that the material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has not been named in the FIR and he has been in custody since 19.10.2021. No injury has been attributed to the petitioner. Similarly situated co-accused have already been enlarged on bail by this Court and by the trial Court. There is no other case registered and/or pending against the petitioner. Most of the prosecution witnesses are yet to be examined. Above all, an application under Section 319 Cr.PC., moved by the complainant, is pending adjudication. 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.

17.05.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*