

212-a **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-49673-2022
Date of decision: 28.04.2023

Dinesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. S.K. Panwar, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the present petition under Section 439 Cr.PC seeking regular bail in case FIR No.442 dated 13.06.2021 under Sections 148/149/323/506 IPC, 1860 (Section 302 IPC added later on), registered at Police Station Camp Palwal, District Palwal (Annexure P-1).

2. That the brief facts of the prosecution case are that the FIR was registered on the complaint of Shri Chand son of Bale Ram, resident of Village Nangal Brahman, District Palwal dated 13.06.2021. It was stated by the complainant that on 12.06.2021, he was present at his house. His younger son Virender, who is an auto driver, came at around 11.00 P.M. in injured condition. Virender told him that accused Lakshman son of Devi Ram, Shyam son of Daya, Ranjeet son of Daya, residents of Village Nangal Brahman along with 34 unidentified persons had caused injuries to him with knife and sticks etc. with the intention to kill him and his phone had also fallen at the place of occurrence. Thereafter, Virender became unconscious. He was taken to

Government Hospital, Palwal from where he was referred to Sarvodya Hospital,

Faridabad. Virender was taken to Sarvodya Hospital, Faridabad from where he was shifted to Safdarjang Hospital, Delhi.

On the basis of above complaint, the instant case under Section 148/149/323/506 of IPC was registered and investigation was started. On 14.06.2021, police reached at Sardarjang Hospital, Delhi and came to know that Virender had died due to the injuries sustained in the occurrence. Thereafter, the offence punishable under Section 302 of IPC was added.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was not named in the FIR and has been nominated on the basis of disclosure statement of co-accused namely Ravi. He further submits that the complainant (father of the deceased namely Shri Chand son of Bale Ram) has not supported the case of the prosecution in his statement dated 01.06.2022 (Annexure P-3). Thereafter he was recalled for cross-examination and he stated as under:-

“My son had come at about 11:00 a.m. in an Auto which he himself was driving. He had not named Dinesh accused as one of the assailants. It is incorrect that we had shifted our son to the hospital in an injured condition and that he had not come by driving the Auto on his own. It is incorrect that my son was lying unconscious and he did not name even Ravi, Shyam and Laxman or anybody else as the assailants.”

Learned counsel for the petitioner further submits that the petitioner is in custody since 04.07.2021 and investigation in the present case is complete; challan has been presented; and charges have been framed and out of total 24 prosecution witnesses 4 have been examined and the trial proceedings are fixed for hearing for 05.07.2023. He further submits that the petitioner is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner in view of seriousness of the charges levelled against the petitioner. However, she could not dispute that complainant has not supported the prosecution case qua the present petitioner. Investigation in the present case is complete; challan has been presented; charges have been framed and out of total 24 prosecution witnesses 4 have been examined and the petitioner is not involved in any other case.

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

6. Keeping in view the custody of the petitioner, which is 01 year 09 months 24 days; petitioner is not involved in any other case; complainant has not supported the prosecution case qua the present petitioner; investigation is complete; challan has been presented; and charges have been framed and out of total 24 prosecution witnesses 4 have been examined and the trial proceedings are fixed for hearing for 05.07.2023 and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

28.04.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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