

215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-50776-2022 (O&M)

Date of Decision: 11.05.2023

Vikramjeet Singh @ Happy

...Petitioner

V/S

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sahil Chaudhary, Advocate,  
Ms. Sanya Kaushal, Advocate and  
Mr. Davneet Sangwan, Advocate  
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. Deepak Aggarwal, Advocate  
for the complainant. .

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**DEEPAK MANCHANDA J. Oral**

Instant petition has been filed under Section 439 Cr.P.C.  
seeking regular bail in the case bearing FIR No.152 dated 25.09.2021  
registered under Sections 148, 149, 323, 325, 326, 427, 506, 307, 302  
of the Indian Penal Code at Police Station Sadar Jagadhari, District  
Yamuna Nagar.

Learned counsel for the petitioner contends that initially the  
petitioner was not named in the FIR and was nominated on the basis of  
disclosure statement made by the co-accused and one danda has been  
recovered from the petitioner. As per FIR, the said injuries are  
attributed to Mandeep Singh @ Happy, who gave injuries in the head  
and other parts of body of Malkeet with swords, Gauri gave blows to

Damanjeet Singh with sword and cut his arm. Teji and Pinka caused injuries to Gurjeet Singh and Kala son of Roop Singh caused injuries to complainant with danda and sword and remaining persons gave fists and leg blows to all the four persons i.e., Damanjeet Singh, Malkeet, Gurjeet Singh and complainant. It is argued that Malkeet lost his life and other three persons received multiple injuries including fractures but the said injury neither to Malkeet nor to other injureds have been attributed to the petitioner. Learned counsel further submits that the petitioner is in custody since 13.10.2021 where investigation has been completed and thereafter, challan was presented. He further submits that after framing of charges, out of 28 prosecution witnesses, only three have been examined as the charges in the present case were framed on 08.02.2022 but even after 13 months till date neither the injured has been examined nor the trial has proceeded further. With the result, the petitioner has faced incarceration of more than 01 year. Learned counsel also submits that the other co-accused, namely, Vikas Kumar @ Lala has already been granted regular bail by Co-ordinate Bench of this Court passed in **CRM-M-30466-2022** vide order dated 14.10.2022 and claims parity. He further submitted that no other case is pending against the petitioner and considering the facts and circumstances, he be released on regular bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has submitted that the petitioner is in custody since 13.10.2021, however, does not dispute the aforesaid fact on the

ground that the investigation has been completed, challan stands presented and out of total 28 witnesses only three have been examined and nothing is to be recovered from the possession of the petitioner. Learned State counsel has also opposed the grant of regular bail on the ground that the petitioner is a member of an unlawful assembly which has caused an injury and the injured persons have not been examined yet and they may not be granted regular bail.

Learned counsel for the complainant has opposed the grant of regular bail to the petitioner on the same grounds as that of the learned State counsel that the petitioner was a member of an unlawful assembly.

I have heard learned counsel for the parties.

The petitioner has faced incarceration for more than 01 year as per affidavit filed by the State, who is not involved in any other case, where no recovery is to be effected from him and his name has come on his own disclosure and the veracity of the same is debatable. As per reply, it is an admitted case that no injury has been attributed to the petitioner which either resulted into unfortunate death of Malkeet (deceased) or injuries suffered from other injureds nor it has been argued by the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice. Further, the other co-accused, namely, Vikas Kumar @ Lala was granted concession of regular bail on 14.10.2022 where in the said order, it is specifically mentioned that even at that time, two

witnesses were examined and even today the position is the same. Learned State counsel submits that out of 28 witnesses, only three witnesses have been examined till date means the trial has not proceeded further even after the gap of 6 months.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

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|---------------------------|--------------------|
| 11.05.2023                | (DEEPAK MANCHANDA) |
| sapna                     | JUDGE              |
| Whether speaking/reasoned | Yes/No             |
| Whether reportable        | Yes/No             |