

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

CRM-M-50247-2023

Decided on:-30.11.2023

Ramesh

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

HARKESH MANUJA J. (Oral)

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.104 dated 18.04.2021, under Sections 120-B, 201, 302, 324, 34 and 341 IPC, registered at Police Station Sahlawas, District Jhajjar, Haryana.

2. In the present case, the petitioner has been implicated with the allegations that he caught hold of the deceased, who was given injuries by the co-accused, namely Sonu.

3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that there are specific allegations against the petitioner, which have even been supported by eye-witness, namely Om Parkash. He further submits that the petitioner is involved in two more cases; one is under Section 13 of the Hindu Marriage Act, 1955 and another one is an offshoot thereof.

4. I have heard learned counsel for the parties and gone through

the paper book. I find substance in the submissions made on behalf of the petitioner.

5. The petitioner is in custody for the past almost two years and 7 months and the role attributed to him is of having caught hold of the deceased. Though, one of the eye-witness has supported the prosecution version, however, the other injured, namely Naveen, who appeared as PW-1, did not support the prosecution version, thereby, creating doubt in the prosecution story. As regards the involvement of petitioner in two others cases, the same are merely an offshoot of matrimonial discord. Moreover, only 08 out of total 39 witnesses cited by the prosecution have been examined so far and the trial is likely to take some time. Thus, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

30.11.2023
sonika

(HARKESH MANUJA)
JUDGE

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