

2023:PHHC:038323

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

CRM-M-52862-2022

Date of decision : 14.03.2023

Sunil Kumar @ Angrej

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Karan Garg, Advocate
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Status report by way of an affidavit of Shukarpal Siraswal, HPS, Deputy Superintendent of Police, Ratia District Fatehabad (Haryana) on behalf of the respondent-State has been filed. The same is taken on record.

2. Prayer is for grant of regular bail to the petitioner in FIR No.186 dated 03.06.2022, registered for offences punishable under Sections 307, 323, 324, 34, 341 and 506 of IPC, 1860 and Section 25 of Arms Act, 1959, (Sections 325 and 326 IPC added later on) registered at Police Station City Ratia, District Fatehabad.

3. Counsel for the petitioner submits that the petitioner is in custody since 30.06.2022. He was not named in the FIR and has been nominated in the disclosure statement of co-accused Ramandeep Singh @ Popi. Investigation already stands concluded and rather the trial has proceeded to an advanced stage where all the material witnesses including the complainant and the victim stands examined. He further submits that

2023:PHHC:038323

neither the complainant nor the victim while appearing as witnesses have supported the case of the prosecution. Thus, the incarceration of the petitioner cannot be prolonged as a measure of punishment.

4. Per contra, State counsel submits that specific role has been attributed to the petitioner where he attacked the injured with sword and inflicted injuries. However, State counsel is not in a position to dispute the fact that the material witnesses namely the victim and the complainant have not supported the prosecution version.

5. Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner and the fact that the material witnesses already stand examined, present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.03.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No