

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-52502-2022 (O&M)

Date of Decision: 07.08.2023

GOVIND KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Damanjeet Singh, Advocate
Ms. Monika Khatri, Advocate and
Mr. Shubham Rana, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.186 dated 15.06.2020, registered under Sections 302, 323, 147, 148, 149 IPC, at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Chameli Devi, wherein she has alleged that her nephew was having love affair with the daughter of Naresh Kumar; that on account of the said love affair, an altercation took place and one Sanjay Kumar (brother of Indro) and 10-15 other persons including the petitioner caught hold her son, namely, Parveen (since deceased) and Suraj gave an iron rod blow on his neck; that the only allegation against the petitioner is that he had caught hold the deceased and gave fist and slap blows; that the fatal injury has been attributed to co-accused, namely, Suraj and that the petitioner has been in custody since 15.06.2020. He further submits that out of total 27 prosecution witnesses, only 2 have been examined so far and

that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had caught hold Parveen (since deceased) and gave fist and slap blow, enabling the co-accused to give fatal blow on his person. He further submits that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

As per the allegations, the petitioner had caught hold Parveen and gave fist and slap blows. Fatal injury has been attributed to co-accused, namely, Suraj. The petitioner has been in custody since 15.06.2020. There is no other case registered and/or pending against the petitioner. Out of 27 prosecution witnesses, only 2 have been examined thus far. 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.

07.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*