

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56521-2022
Decided on : 03.10.2023

Parveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.316 dated 18.05.2020 under Section 302, 120-B, 34 IPC and Section 25 of Arms Act, 1959 registered at Police Station Sadar Karnal District Karnal.

2. Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version wherein both the sides received injuries at the hands of each other; the petitioner suffered multiple injuries including injuries dangerous to life. Further, the place of occurrence was in the fields of the parties, which adjoin each other. It has been further submitted that there was some civil dispute pending between the parties also and it was as a result thereof, the opposite party launched an unprovoked attack on the petitioner's

side. Learned counsel contends that the petitioner has been in judicial custody for more than 3½ years, having been arrested on 25.05.2020; after the charges were framed on 24.02.2021, only one prosecution witness i.e. the complainant/eyewitness has been examined. However, thereafter the trial has failed to progress as the prosecution has filed applications under Section 319 Cr.PC as well as Section 311 Cr.PC, which are still pending consideration before the trial Court. Furthermore, learned counsel has asserted that as to which party is an aggressor would be a matter to be appreciated during trial.

3. Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer and submissions made by the counsel opposite. It has been submitted that it was the accused party, which initiated the attack on the complainant party in which one person i.e. Paramjit Singh lost his life.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. From the facts and circumstances, it transpires that there was some animosity between the parties on account of some civil dispute. It has also not been disputed by both the learned counsel that the fields of the parties adjoin each other where the occurrence is alleged to have taken place. Thus, in the above background, it will be a matter to be appreciated during trial as to which of the two parties was an aggressor. Further, the petitioner is admittedly behind bars for the last 3½ years and the trial has come to a virtual standstill because of the fact that applications filed on behalf of the

prosecution under Section 319 and 311 Cr.PC are pending decision before the trial Court. Therefore, there is no likelihood of the trial concluding in the near future.

6. In the facts and circumstances as enumerated hereinabove without expressing any opinion on the merits of the case, instant petition is allowed. The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

03.10.2023
puneet/sonia

(MANJARI NEHRU KAUL)
JUDGE

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