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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55783-2023 (O&M)
Date of decision: 15.11.2023

SURENDER @ GAGA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.95, dated 30.08.2020, under Sections 148, 149, 307, 302,120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Krishna Gate, Thanesar, District Kurukshetra, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 3 years and 2 months and only 3 prosecution witnesses have been examined. He further submitted that as per the allegations, the fatal injuries were not attributed to the petitioner but it was attributed to other co-accused, namely, Shunty and the role of the present petitioner as alleged in the FIR was that he had given a knife blow on the neck of the other injured,

namely, Vikas. He also submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody for about 3 years and 2 months but considering the direct role attributed to the petitioner as per the FIR, which is serious in nature, he is not entitled for the grant of regular bail. He further submitted that although the fatal blow was not attributed to the petitioner and was attributed to the other co-accused, namely Shunty, but all the accused were together and had attacked the injured and the deceased and so far as the present petitioner is concerned, he had stabbed one Vikas with the knife on his neck. He also submitted that the petitioner is also involved in one more case under Sections 379-B and 387 of the IPC and considering the aforesaid position, in case the petitioner is released on bail then there is a strong apprehension that he may not only abscond from justice but may also influence the remaining witnesses and has therefore, prayed for the dismissal the present bail petition.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner is in custody for about 3 years and 2 months but as per the learned State counsel, the petitioner is involved in one more case under Sections 379-B and 387 of the IPC. As per the allegations, the petitioner along with other co-accused have collectively attacked the injured and the deceased and so far as the present petitioner is concerned, there is direct role attributed to him even as per the FIR. The apprehension that has been expressed by the learned State counsel that in case the petitioner is released on bail then he may not only abscond from justice but may also influence the

remaining witnesses cannot be ignored and carries weight and therefore, considering the gravity of the offence involved in the present case qua the present petitioner, this Court is of the view that the petitioner does not deserve the concession of regular bail.

6. Consequently, the present petition is hereby dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

15.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No