

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55884-2023

Pronounced on: 11.12.2023.

Kanhaiya Lal @ Vikram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana

VIKRAM AGGARWAL, J.

1. The present petition has been preferred under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for the grant of regular bail to the petitioner in case FIR No.532 dated 12.09.2022, registered under Sections 307 (subsequently deleted), 323, 325, 302, 34 and 120-B IPC, at Police Station, City Jagadhri, District Yamunanagar.

2. On the statement of one Monu Khan, the FIR in question was registered. The complainant-Monu Khan suffered injuries in an attack by Shiva, Sachin and Bajrangi who are alleged to have attacked him and his friend Chetan with iron rods with an intention to kill them. As per the complainant, a few days prior to the incident, a quarrel had ensued between co-accused Shiva, Sachin etc., with Harvinder @ Kannu who was a friend of the complainant. In the quarrel, Harvinder Kannu had suffered injuries as a result of which the parties were on logger heads. On 11.09.2022, at about 10.35 P.M., when the complainant along with his friend Chetan had reached Manohar Colony near the houses of the co-accused Shiva, Sachin and Bajrangi, they, having been instigated by the present petitioner attacked the complainant and his friend Chetan with iron rods as a result

of which the complainant suffered injuries on the whole of his body including his head. Ultimately, he expired as a result of which Section 307 IPC was deleted from the FIR and Section 302 IPC was added.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated. It was submitted that the petitioner was not present at the spot and is not alleged to have caused any injury to Monu Khan. It was submitted that the petitioner is in custody for the last more than 01 year i.e. since 18.09.2022; investigation of the case has already been completed; trial will take a sufficiently long time as till now only three witnesses out of a total of 22 witnesses have been examined by the prosecution. Learned counsel submitted that out of these three witnesses, two were material witnesses namely, Akbar and Chetan and that they also had attributed the same role to the petitioner i.e, of having instigated the main accused Shiva, Sachin and Bajrangi. Learned counsel submitted that trial will take a sufficiently long time, therefore no useful purpose will be served by keeping the petitioner in custody any longer.

4. Per contra, learned counsel representing the State of Haryana opposed the bail application submitting that if the petitioner is released on bail, he may try to influence and threaten the remaining witnesses and may also abscond.

5. Having considered the submissions made by learned counsel for the parties and having perused the paper book, this Court of the considered opinion that the petitioner deserves to be released on bail. Admittedly, he was not present at the spot and is, therefore, not alleged to have caused any injuries to the deceased. No doubt, a young person lost his life. Whether actually the petitioner had some role to play or not and whether actually it was upon his instigation that the main accused Shiva, Sachin and Bajrangi had caused injuries to Monu Khan would be determined only when the trial concludes. The petitioner is in custody since 18.09.2022. Almost 01 year 03 months have gone by. In the considered

opinion of the Court, no useful purpose will be served by keeping the petitioner in custody any longer.

In view of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIKRAM AGGARWAL)
JUDGE

Pronounced on:11.12.2023
Rekha

<i>Whether speaking/reasoned :</i>	<i>Yes/No.</i>
<i>Whether reportable :</i>	<i>Yes/No.</i>