

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2338-2024 (O&M)
DECIDED ON: 20.02.2024

SATBIR @ BIRU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anuj Arya, Advocate and
Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Maneet Kaushik, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.007, dated 15.01.2021, under Sections 452, 323, 324, 341, 302, 506 read with Sections 34 of IPC and Section 25 of Arms Act, 1959, registered at Police Station Mohana, District Sonipat.
2. Learned counsel for the petitioner contends that the fatal injury leading to the death of deceased was attributed to the main accused Sanjay with knife on stomach of the deceased and as a sequence of which wife of the complainant succumbed to the injuries during treatment at PGI, Rohtak.
3. Learned State counsel could not controvert the said fact, though submits that the fatal injuries were attributed to co-accused Sanjay, but further seeks dismissal of the present petition urging that Sanjay is the son of present petitioner and all three have executed the offence in connivance with each other.

4. Learned counsel appearing on behalf of the complainant vehemently contends that the petitioner is involved in other cases. He prays for dismissal of the present petition stressing upon the fact that the complainant has a fundamental right to cast vote with his own free will without any coercion or pressure from any corner, whereas the present petitioner was instrumental in advancing threat on account of not voting in his favour during the elections of Gram Panchayat.

5. This Court cannot shut its eyes to the fact that as per the deposition of PW1 & PW2, the complainant himself stated that the fatal blow-injury has been given by Sanjay with knife and not by the petitioner, who is behind bars for the last 1 years, 10 months and 20 days, as is evident from the custody certificate, wherein charges framed on 08.08.2022 and out of total 30 prosecution witnesses, only 6 have been examined so far, which is sufficient to infer this Court that conclusion of trial will take long time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would be an infringement of his right to life and liberty, as enshrined under Article 21 of the Constitution of India.

6. As far as the contention of learned counsel for the complainant with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

7. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. The present petition is hereby allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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