

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.841 of 2024

Date of decision: 29th April, 2024

Sonu Pahal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Walia, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

Mr. Vansh, Advocate for

Mr. Ajay Kripal Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.595 dated 06.10.2022 under Sections 148, 149, 216, 302, 323, 452, 506 of the IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Tehsil Camp Panipat, District Panipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner was arrested on 11.05.2023 in a case of false implication. Allegedly, the petitioner along with co-accused threw brickbats on the complainant party as a result of which the complainant party sustained injuries. Learned counsel submits that as per the allegations levelled in the FIR itself, which has been annexed as Annexure P-1, the deceased i.e. the brother of the complainant, was fired at by the co-accused

Parveen and Sadhu on his chest and abdomen which proved to be fatal for him. It has been further submitted that no specific injury has been attributed to the petitioner in the crime in question. Learned counsel further submits that after the petitioner was arrested on 11.05.2023 though charges were framed on 22.11.2023, however, till date not even a single prosecution witness out of the 40 cited had been examined and hence, there was no likelihood of the trial concluding in the near future. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, on instructions from Insp. Vijay Kumar, have not been able to controvert that the fatal injuries have been attributed to the co-accused Sadhu and Parveen with firearms, which they were carrying at the time of alleged occurrence. It has also not been disputed that no specific injury has been attributed to the petitioner, however, they have submitted that the petitioner has actively participated in the crime in question and he along with his co-accused had thrown brickbats on the complainant party. Learned State counsel, on further instructions, has not disputed the stage of the trial and has submitted that the case is now fixed before the trial Court for today for prosecution evidence. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions has replied in the negative.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Admittedly, the fatal injuries have been attributed to the co-accused Parveen and Sadhu with their respective firearms, who are still in custody. The only role attributed to the petitioner is of having thrown brickbats along with co-accused on the complainant party when the complainant party came to their house. The case has been repeatedly adjourned before the trial Court for prosecution evidence and it is now fixed for today. There is thus, no likelihood of the trial concluding anytime in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 29, 2024
rps

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