

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3161-2024
DECIDED ON: 25.01.2024

SAHILPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Vikram Jeet Singh, 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.312, dated 27.10.2022, under Sections 148, 149, 323, 506, 307, 302, 120-B of IPC, registered at Police Station Badhra, District Charkhi Dadri.
2. Learned counsel for the petitioner contends that in the instant case, no injury whatsoever has been attributed to the petitioner on the person of the deceased and stick blows have been attributed to other co-accused persons and those injuries are not serious in nature.
3. Learned counsel for the complainant controverts the assertions made by learned counsel for the petitioner stating that the petitioner has been attributed injury on the person of deceased as well, as is evident from the video clip captured by the accused and that video clip is a part of the challan and on that account, the petitioner does not deserve the concession of bail.
4. At the same time, learned State counsel filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner has

suffered incarceration of 1 year, 2 months and 24 days. On merits, he submits that under Sections 148 & 149 of IPC, the petitioner is equally responsible for causing the murder of deceased Gajanand s/o Om Parkash, but refers to the order passed by the trial Court dated 25.07.2023 (Annexure P-2), wherein it is recorded that the fatal blow to the deceased was given by one Vishal with axe blow.

5. Heard, learned counsel for the respective parties.

6. It is evident that the fatal blow to the deceased was given by one Vishal with axe blow, investigation is complete, charges stands framed on 01.05.2023 and since then out of total 31 prosecution witnesses, none has been examined, which is sufficient to convince this Court that trial will certainly take long time and in the light of allegations against the petitioner, who is attributed stick blows to the other injured persons, no useful purpose would be served by keeping the petitioner behind the bars, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

7. In view of the aforesaid 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.

(SANDEEP MOUDGIL)
JUDGE

25.01.2024

Meenu

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