

CRM-M-6349-2024

2024:PHHC:057715

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6349-2024

Date of Decision : April 29, 2024

KIMATI @ KIMATI LAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.K.Gupta, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petitions, the petitioner crave for indulgence of this Court for him being enlarged on regular bail, in case FIR No.195 dated 10.07.2020, under Section 302, 148, 149, 323, 427, 452 of the IPC, registered at P.S. Israna, District Panipat, as he was arrested on 21.7.2020.

2. Succinctly stated, the allegations against the petitioner is that he alongwith other co-accused, while being armed with deadly weapons, entered into the house of complainant and inflicted injuries to him and his family members. The outcome of this assault, was that, the son of the complainant, namely Ankush, succumbed to his injuries, while three of complainant's family members suffered serious injuries.

3. The prime argument of the learned counsel appearing for the petitioner is rested upon the parity, as out of total 15 accused arrayed in

the instant FIR , 13 have already been granted the benefit of regular bail. He further submits that the petitioner has not caused any injury to the deceased, rather as per the FIR, he has given a *gandasa* blow on the leg of one Neeraj, one of the injured-victim and there is no other role attributed to the present petitioner that he has caused injuries to the deceased.

4. He further submits that the present petitioner is on parity with the other co-accused, who has not caused injuries to the deceased and who has been granted the benefit of the regular bail either by this Court or by the learned trial Court concerned. He further submits that the petitioner has suffered incarceration of approximately 3 years and 10 months as on today and the trial has yet not reached half of the way, as out of total 26 cited witnesses, only 7 witnesses have been examined so far.

5. He also submits that though the petitioner is stated to be involved in one other case, however, that case arise out of matrimonial dispute and in that case, he is already on bail.

6. *Per contra*, the learned State counsel, by filing the custody certificate *qua* the petitioner, which is taken on record, has vociferously opposed the grant of regular bail to the petitioners, *inter alia*, on the ground that, the son of the complainant has lost his life, in the brutal assault made by the petitioner. The custody certificate further makes revelations that the petitioner has suffered incarceration of about 3 years, 9 months and three days as on today.

7. Considering the fact that the petitioner has already suffered

incarceration of about 3 years, 9 months and three days as on today and the other co-accused, who have caused injuries to the deceased, have already been granted the benefit of regular bail and the trial has not reached to the half way and the conclusion of the same would take a long time, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

April 29, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No