

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.8435 of 2024
Date of Decision: 29.04.2024

SANDEEP ALIAS KALUPetitioner
Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Keshav Pratap Singh, Advocate and
Mr. Rajat Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.109 dated 05.05.2021 registered under Sections 148, 149, 201, 302, 323, 341 IPC and Section 25 of Arms Act at Police Station City Ratia, District Fatehabad.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of given injuries to the deceased namely Vinod Kumar @ Baglol as well as the injured Kalu @ Kala.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner gave pistol butt blows on the head of the deceased as well as to the injured Kalu @ Kala. He also submits that in view of the antecedents of the petitioner, he being involved in three more cases, does not deserve concession of bail.
4. Learned State counsel also points out that recovery of blood-stained clothes besides a country made pistol was effected from the petitioner and as per FSL report, the blood-group matched with that of the deceased thereby established the *prima facie* involvement of the petitioner in the offence in hand.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
6. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges on 10.05.2023, however, even after expiry of almost 01 years, none of the prosecution witness has been examined so far and the petitioner is in custody for almost 03 years. As per version in the FIR, the fatal knife blow has been attributed to co-accused Vinod @ Majnu and not to the petitioner. The recoveries effected from the petitioner need to be established during trial. As regards involvement of the petitioner in other criminal cases, in one admittedly he already stands acquitted (FIR No.112/2021) and out of other two cases, one relates to Jail offence and the other pertains to the year 2019.
7. In view of the aforesaid facts while considering the custody period suffered by the petitioner besides stage of trial which is going at a snail’s pace, I do not find any justification to extend the incarceration of the petitioner.
8. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
9. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 29, 2024
Atik

(HARKESH MANUJA)
JUDGE

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