

226 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-728-2024
Decided on:-03.05.2024

VijayAppellant..

vs.

State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Sharma, Advocate,
for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Varun Veer Chauhan, Advocate,
for respondent No.2-complainant.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the order dated 08.02.2024 passed by the Court of Additional Sessions Judge, Hisar, whereby, the application seeking regular bail under Section 439 Cr.P.C. in case FIR No.1135, dated 14.12.2021, under Sections 302, 148, 149,367, 323, 342, 506 IPC and Section 3(2) (v) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Sadar Hisar, was dismissed.

2. Learned counsel for the appellant submits that the appellant has been implicated with the allegations of having actively participated in the murder of one Vinod besides giving multiple injuries on the persons of Bhal Singh and Sandeep.

3. Prayer made herein has been vehemently opposed at the

instance of learned State counsel assisted by Mr. Varun Veer Chauhan, Advocate representing respondent No.2-complainant while submitting that appellant was specifically named in the FIR of having taken the deceased and injured-complainant as well as Bhal Singh i.e. one of his accomplices at the place of incident, besides having given injuries to them through kicks and punches.

3.1 Learned counsel for the complainant further submits that the complainant while appearing as PW-1 (examination in chief) before the trial Court even reiterated the involvement of the appellant in the incident.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant.

5. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. The appellant is in custody for the last more than 02 years & 04 months and so far only 01 prosecution witness has been examined, that too, in part (examination in chief) and trial is likely to take some time as there are total 21 prosecution witnesses. Moreover, even as per the version given in the FIR, the appellant was not carrying any weapon and at best the allegations levelled against him were of he having taken the deceased and injured at the place of incident along with Sandeep son of Bhag Singh and having inflicted injuries upon them giving kick and fist blows.

6. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the appellant any further.

7. Without commenting anything on the merits of the case, lest it

may prejudice the trial, the present appeal is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

03.05.2024
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(HARKESH MANUJA)
JUDGE

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