

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

2024:PHHC:054144
CRM-M-13739-2024
Date of decision: April 22, 2024

SHINTU @ CHINTU
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.595 dated 06.10.2022 (Annexure P-1) under Sections 148, 149, 323, 452, 216, 302 and 506 of the Indian Penal Code, 1860 and Sections 25, 27 and 30 of the Arms Act, 1959, registered at Police Station Tehsil Camp, District Panipat.
2. Learned counsel for the petitioner *inter alia* contends that though the petitioner was named in the FIR in question, which has been annexed as Annexure P-1, however, other than his presence being shown at the time of the alleged occurrence with the co-accused Parveen and Sadhu, no injury, much less fatal, had been attributed to him in the occurrence in question. It has been further submitted that vague allegations had been levelled against the petitioner of having accompanied the co-accused to the place of occurrence and thereafter, having pelted stones on the deceased. However, a perusal of the postmortem report, which has been annexed as Annexure P-2, does not corroborate the allegations levelled in the FIR in question. It has been submitted that identically placed co-accused Gourav and Sandeep have since been extended the

concession of bail by this Court vide order dated 20.02.2024 (Annexure P-6) and 11.03.2024 (Annexure P-7) respectively.

3. Learned counsel for the petitioner has further submitted that since the investigation in the case in hand is complete and charges were framed way back on 29.11.2023, the trial had not progressed any further as none of the 40 witnesses cited by the prosecution had been examined till date. Learned counsel still further submits that in the circumstances, the likelihood of the trial concluding in the near future does not seem possible.

4. *Per contra*, while opposing the prayer and submissions made by learned counsel for the petitioner, learned State counsel, on instructions, submits that no injury, much less fatal, on the person of the deceased had been attributed to the petitioner; the deceased died of gunshot injuries, which have been attributed to co-accused Parveen and Sadhu, who as per learned State counsel, are still in custody. On further instructions, learned State counsel has not disputed the stage of trial. He submits that the next date of hearing before the learned trial Court is 29.04.2024 when the prosecution evidence is likely to commence. He, however, submits that the petitioner was accompanying the co-accused at the time of the alleged occurrence and had pelted stones towards the complainant party. On a pointed query put to the learned State counsel, he, on instructions, has not disputed that no blunt injuries, much less with the brick bats, were found on the person of the deceased.

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

6. The petitioner has been in custody since 15.12.2022. The trial is not likely to conclude anytime in the near future as none of the 40 prosecution witnesses have been examined so far. As not disputed by the learned State

counsel, the petitioner has clean antecedents and he has also not been attributed any fatal injuries on the person of the deceased.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed, and the petitioner be 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.

April 22, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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