

2024.PHHC.064085



221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21865-2024

Decided on:-08.05.2024

Tarsem @ Bachchi @ Mini

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Vikas Bishnoi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present third 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, 302, 323, 341 IPC (Section 201 IPC and Section 25 of Arms Act, 1959 also added), at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of having given injuries to deceased namely, Vinod Kumar @ Baglol as well as 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 bamboo stick blow on the head of the deceased as well as to injured Kalu @ Kala. He also submits that in view of the antecedents of the petitioner, he being involved in one more case, does not deserve concession of bail.

4. Learned State counsel also points out that recovery of blood-

stained clothes besides a bamboo stick 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 year, 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 recovery effected from the petitioner need to be established during trial. As regards involvement of the petitioner in another criminal case, he already stands acquitted (FIR No.112/2021). Moreover, the similarly placed co-accused, namely, Sandeep @ Kalu has already been granted the concession of regular bail by this Court vide order dated 29.04.2024 passed in CRM-M-8435-2024.

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 an expression of opinion on the merits of the case.

08.05.2024

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(HARKESH MANUJA)
JUDGE

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