

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

115

CRA-S-2271-2024

Date of Decision : September 12, 2024

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-APPELLANT

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Lamba, Advocate
for the appellant.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant appeal, the appellant assails the order dated 25.04.2024, wherethrough, the learned Additional District and Sessions Judge, Palwal, has declined to grant him regular bail, in FIR No.171 dated 30.05.2021, under Sections 148, 149, 384, 302, 506 of the IPC, and, Section 25/54/59 of the Arms Act, registered at P.S. Hodal, District Palwal.

2. The learned counsel for the appellant submits that, although the appellant was a juvenile at the relevant point of time, however, he was/is being tried as an adult by the Children Court concerned. He further submits that the only role assigned to the appellant in the FIR, is that, he caught hold of one Mahender (since deceased), whereas, the main injury has been attributed to his co-accused Harish, who is facing trail in a different case bearing CIS No. SC 547 of 2021.

3. Furthermore, the learned counsel for the appellant submits that the appellant, who is a sportsman of Taekwondo and won

medals/certificates, has suffered incarceration of approx. 03 years and 03 months and he has clean antecedents. Lastly, he submits that, although the trial launched against the appellant is at stage of defence evidence, however, the trial launched against his co-accused Harish, who is being tried by the same court on the same dates of hearing, is not likely to conclude anytime sooner, inasmuch as, vide order dated 06.01.2024, one Tarun has been summoned therein under Section 319 of the Cr.P.C. to face trial as an additional accused. In such circumstances, the prolonged incarceration of the appellant would not serve any gainful purpose.

4. The submissions made by the learned counsel for the appellant are vociferously opposed by the learned State counsel, on the ground that, since the trial launched against the appellant has reached at the fag end, as his case is fixed for arguments, therefore, the plea of regular bail may not be considered at this stage.

5. Although the learned State counsel opposes the grant of regular bail to the appellant, however, he fairly concedes that the case of the appellant is being tried simultaneously with the case of his co-accused Harish, by the same court. He has also placed on record the custody certificate of the appellant, perusal whereof displays that the appellant has undergone actual custody of approx. 03 years and 03 months and he is not involved in any other case.

6. This Court has heard the rival submissions made by the learned counsels for the parties and also perused the record. It is not under dispute, rather has even been observed by the learned Additional Sessions Judge in its declining order dated 25.04.2024, that the trial launched

against the appellant is running simultaneously with the trial launched against his co-accused Harish, wherein, vide order dated 06.01.2024, one Tarun has been summoned to face trial as an additional accused. In such circumstances, when although the case of the appellant has reached at the fag end, however, there does not appear any likelihood of the trial launched against appellant's co-accused Harish concluding anytime soon, therefore, taking into account (i) the role assigned to the appellant; and (ii) the period of incarceration suffered by him; this Court is of the view that further incarceration of the appellant is totally unwarranted.

7. Consequently, without commenting upon the merits of the present case, the instant appeal is **allowed** and the order dated 25.04.2024 is set aside. The appellant is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

September 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No