

2024:PHHC:083381



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

CRM-M-30782-2024
Decided on:-05.07.2024

Shubham @ Bhindi

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hemant Hans, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.81 dated 08.03.2023 registered under Section 302 IPC read with Section 34 IPC (later on Sections 148, 149, 201 IPC were added and Section 34 IPC was removed) at Police Station Urban Estate, District Rohtak, Haryana wherein, the petitioner was implicated with the allegations of giving injuries to the brother of complainant by brick bat, resulting into his demise.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and it was only on the basis of disclosure statement of co-accused Raunak, the petitioner's name came up. No specific role has been attributed to the petitioner. The petitioner is in custody for the last 11 months and 13 days. He prays for grant of regular bail to the

petitioner.

3. On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while referring to the serious allegations levelled against the petitioner, besides it, there is one more case registered against him involving the provisions of IPC. He further submits that the challan in the present case has been presented before the trial Court on 19.05.2023, however, the charges are yet to be framed. Moreover, the presence of the accused at the place of occurrence can be seen through CCTV footage.

4. 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.

5. In the present case the petitioner was not named in the FIR. The investigation already stands concluded with the filing of challan, however, the charges are yet to be framed. Petitioner is not involved in any other case of similar nature and is behind the bars for the last 11 months and 13 days and the trial is likely to take some time in its culmination. Moreover, co-accused, namely, Aman, Ankit @ DJ and Himanshu have already been granted concession of regular bail vide orders dated 18.03.2024, 29.05.2024 and 25.06.2024 passed by this Court in CRM-M No.7072 of 2024, CRM-M-17438 of 2024 and CRM-M-30263-2024 respectively.

Admittedly, one more case is registered against the petitioner but that arises out of matrimonial discord.

6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

7. 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.

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

05.07.2024
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(HARKESH MANUJA)
JUDGE

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