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

**CRM-M-42804-2024
Date of Decision: 09.09.2024**

Surender @ Gaga

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepak Kumar, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a sixth petition filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No.95 dated 30.08.2020, under Sections 148, 149, 302, 307, 324 & 120-B IPC, registered at Police Station Krishana Gate, Kurukshetra, District Kurukshetra.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 3 years, 11 months and 5 days and although the trial of the case is at the fag end but it is a case where the fatal blow was not attributable to the petitioner and the allegation against him was that he had given knife blow on the neck of the injured.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana

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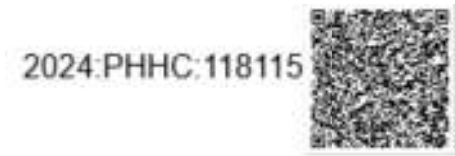
submitted that the trial is at the fag end because 26 witnesses out of 30 cited prosecution witnesses have already been examined and even otherwise also the offence was committed collectively by all the accused and even if the fatal blow was not attributable to the petitioner but the role attributed to him was of giving a knife blow on the neck of the injured and therefore, considering the gravity of the offence, the petitioner does not deserve the concession of regular bail. He further submitted that even otherwise also the petitioner had earlier withdrawn his bail petition on 30.04.2024 vide Annexure P-7 which was his 5th bail petition and now just after 3 months, he has filed another bail petition which is otherwise also not maintainable because it will amount to review of the earlier order.

4. I have heard the learned counsels for the parties.

5. As per the learned counsel for the parties, the trial is at the fag end because 26 witnesses out of 30 cited prosecution witnesses have been examined. The petitioner had earlier filed a bail petition which was his 5th bail petition which he withdrew on 30.04.2024 and just after 3 months, he has filed the present petition for grant of regular bail. This Court is of the considered view that the present petition is not maintainable because it would otherwise amount to review of the earlier order by which he had withdrawn the bail petition. Even otherwise also, the role attributable to the petitioner was of giving a knife blow on the neck of the injured and therefore, considering the gravity and seriousness of the offence and the stage of the trial, this Court does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an



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expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.09.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |