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

CRM-M-42881-2024**Date of Decision: 12.09.2024**

Pawan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Satbir Singh Gill, Advocate (through VC)
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.89 dated 09.03.2023 registered under Sections 148, 149, 323, 325, 307, 302, 341, 506 of IPC, at Police Station Ellenabad, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and no injury was attributed to him. In fact, the petitioner was implicated on the basis of the CCTV footage, in which the petitioner was shown to be present at the place of occurrence with the other co-accused. Learned counsel further contends that injury No.1 on the person of Gurmeet Singh, since deceased proved fatal, which is attributed to Inderjeet Singh and Inderjeet Singh has already been arrested by the police. He further contends that the petitioner was arrested in the present case on 11.03.2023 and no specific role or overt act has been attributed to the petitioner. Learned counsel has further relied upon the order dated 31.07.2024 (Annexure P-5), passed by



this Court, whereby co-accused Tej Pal @ Annu Sharma has already been admitted to bail by this Court. Learned counsel further contends that in the present case, the examination-in-chief of the complainant has already been recorded before the trial Court and there are no chances of tampering with the prosecution evidence, at this stage.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Ellenabad, District Sirsa has been filed by learned State counsel in Court today and the same is taken on record. learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner is also seen in the CCTV footage alongwith his co-accused, namely Tej Pal @ Annu Sharma and Ravi Sharma. Apart from that, no specific role has been attributed to the petitioner. Thus, further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

12.09.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No