

**209-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-48020-2023
DECIDED ON: 24.01.2024**

SOMDEV

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.272, dated 21.08.2021, under Sections 148/149/323/506/302/120-B/201 IPC, registered at Police Station Sadar Narnaul, District Mahendergarh, Haryana.

2. Learned counsel for the petitioner contends that he is at par with the other co-accused, namely, Himmat who has already been granted the concession of regular bail vide order dated 11.05.2023 passed in CRM-M-13046-2023 and the allegations against the present petitioner is identical in nature to the effect that all the accused persons have jointly given beatings and has conspired in furtherance to their act of omission and commission though, no injury has been attributed to the present petitioner.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has suffered incarceration for a period of 02 years, 03 months and 15 days added with the fact that after framing of charges on 06.12.2022, out of 31 prosecution witnesses, none has been examined so far.

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4. Be that as it may, the aforesaid assertions and submissions clearly indicate that trial is likely to take long time where none of the witnesses have been examined despite lapse of more than one year after framing of charges before the trial Court and no fruitful purpose will be served by detaining the petitioner behind the bars, which would amount to infringement of his right to life and personal liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

5. In the light of above discussions made hereinabove, similarly situated co-accused, Himmat has been granted concession of regular bail and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition is, hereby, allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.01.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*