

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S No. 3445 of 2023 (O&M)
Date of Decision: 20.01.2024

Mandeep @ Deep

..... Appellant

Versus

State of Haryana and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Atul Goyal, Advocate for
Mr. Amit Choudhary, Advocate, for the appellant.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

Mr. Varun Veer Chauhan, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

CRM-49070-2023

Prayer in the present application moved on behalf of the applicant-appellant is for condonation of delay of 198 days in filing the appeal.

Notice of the application.

Learned State Counsel as well as learned counsel for the complainant accept notice and they have no objection against the prayer made in the application.

In view of the above as well as contents of the application, prayer made in the present application is allowed and the delay of 198 days in filing the appeal is condoned.

Application is **disposed off**.

MAIN APPEAL

By way of present appeal, challenge has been laid to the order dated 07.02.2023 passed by learned Additional Sessions Judge, Hisar, while considering the application for grant of regular bail pending trial in case arising out of FIR No.1135 dated 14.12.2021, under Sections 302, 148, 149, 367, 323, 342 & 506 of IPC and Section 3(2)(v) of SC/ST Act, 1989, registered at Police Station Sadar, Hisar, wherein, the appellant has been implicated as one of the accused for having caused murder of Vinod.

[2] Learned counsel for the appellant submits that the appellant is in custody since 23.12.2021 and the investigation already stands concluded with the filing of challan followed by framing of charges. He further submits that the appellant has not attributed any injury with any deadly weapon upon the victims / injured-Bhal Singh and Sandeep as well as on the deceased-Vinod and there is no recovery of any weapon being affected from the appellant. He also submits that similarly situated co-accused, namely Ravinder @ Dholu, Ankit (being juvenile), Bhagirath @ Pandu and Sanjay have already been granted the concession of regular bail by this Court vide orders dated 02.03.2023, 07.12.2012, 15.11.2023 & 19.12.2023 passed in CRM-M No. 6621 of 2023, CRR No. 351 of 2022, CRA-S No. 2739 of 2023 and CRA-S No. 2723 of 2023 respectively; thus, the appellant deserves concession of regular bail on parity.

[3] On the other hand, learned State Counsel as well as learned counsel for the complainant oppose the prayer made on behalf of the appellant, while submitting that the entire incident was pre-planned and was never an act committed in the heat of the moment. It has been further pointed

out that multiple blows were inflicted upon the person of the deceased-Vinod as well as the complainant and one of the eye-witnesses, namely, Bhal Singh, resulting into death of Vinod.

[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 appellant.

[5] In the present case, the allegations levelled against the appellant are of having inflicted fist and kick blows on the person of the deceased. The appellant was never admittedly armed with any weapon besides, the fact that the investigation in the present case already stands concluded with filing of challan, followed by framing of charges and even the complainant already stands examined in part (examination-in-chief). Moreover, the appellant has already suffered incarceration for a period of two years above by now and he is not involved in any other case, considering the fact that the trial is likely to take some time as also similarly situated co-accused persons have already been granted the concession of regular bail, this Court does not deem it proper to extend the incarceration of the appellant.

[6] In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present appeal is **allowed** and the appellant is ordered to be released on regular bail his furnishing adequate bail bonds / surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

[7] It is also made clear that the respondent-State shall make all endeavour to safeguard the life and liberty of the witnesses as well as the family members of the victim-deceased.

[8] The above observations may not be construed as an expression of opinion on the merits of the case.

[9] It is clarified that in case there is any misuse of concession of bail on the part of the appellant, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

January 20, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>