



223

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-55714-2024****Date of Decision: 20.12.2024****SAHIL****....Petitioner(s)****VERSUS****STATE OF HARYANA****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Kuldeep Attri, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present second petition filed under Section 483 of BNSS, 2023, prayer has been made for grant of regular bail in case FIR No.19 dated 10.01.2021, registered under Sections 302, 34 of IPC, Police Station Assandh, District Karnal (charge sheeted under Sections 120-B, 302, 201/34 of IPC and Section 25 of Arms Act) wherein the petitioner has been implicated with the allegations that he caught hold of the deceased while injuries were inflicted by the co-accused namely Krishan @ Murli.

2. Learned counsel for the petitioner submits that the present is a case of circumstantial evidence and the petitioner is in custody for the last 03 years & 10 months and the trial is likely to take some time, thus, he prays for grant of concession of regular bail.

3. On the other hand, the prayer has been vehemently opposed at the instance of learned State counsel while submitting that the petitioner has actively participated in the incident as he caught hold of the deceased while injuries were inflicted by the co-accused namely Krishan @ Murli.



Besides this, it has also been submitted that the petitioner is also involved in one more case i.e. FIR No.157/2019, thus, considering his antecedents, he does not deserve the concession of regular bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and trial is likely to take some time as out of total 27 prosecution witnesses only 10 prosecution witnesses have been examined so far. The petitioner is in custody for the last 03 years & 10 months and no recovery has been effected from him. Moreover, the present is a case of circumstantial evidence; even the complainant stands examined.

6. Considering the aforesaid facts, this Court does not find justification to extend the incarceration of the petitioner any further.

7. In view of the above, but without commenting upon merits of the case, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

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

(HARKESH MANUJA)
JUDGE

December 20, 2024
Sangeeta

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No