



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

CRM-M-56662-2024

Date of decision: 20.11.2024

Naresh @ Naresh Sharma

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana

KARAMJIT SINGH, J. (ORAL)

1. This is third petition filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case having FIR No. 264 dated 25.09.2020, registered under Sections 323, 325, 506, 148, 149 of IPC (Section 302 IPC added later on), registered at Police Station, Industrial Sector-7, Manesar, Gurugram.

2. The allegations in nutshell are that complainant Amnish got recorded his statement with the police to the effect that on 25.09.2020 at about 8 AM quarrel took place and petitioner, Dinesh, Ankit, Om Parkash and one unknown boy started hurling abuses. Mohit, Saroj and Ganga Sharan also reached the spot. Ankit gave stick blow on head of his father Ganga Sharan. Other accused persons including the petitioner attacked Sunita, Saroj and Mohit with sticks. Geeta and Krishna gave kick blows to wife of the complainant. Injured Ganga Sarn was taken to hospital where he died on



26.09.2020. During investigation, the petitioner was arrested and is in custody for the last more than 4 years and 1 month.

3. The counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case and the only allegations against the petitioner are that he caused simple injuries to complainant, his wife Sunita, Saroj and Mohit. It is further submitted that the petitioner is in custody for the last more than 4 years and 1 month and during investigation, one wooden stick was recovered at the instance of the petitioner and it will take time for trial to conclude and that similarly situated co-accused Dinesh is enlarged on regular bail by the trial Court vide order Annexure P-3. So, prayer is made that the petitioner be released on regular bail during trial.

4. The present petition is resisted by the State counsel who submits that the petitioner was member of the unlawful assembly which attacked the complainant party and resulted into death of Ganga Sharan who suffered head injury. It is further submitted that the trial is going on. However, the State counsel has not disputed the fact that no injury on the head of Ganga Sharan is attributed to the present petitioner who is in custody for the last more than 4 years and 1 months and is having no criminal history.

5. I have considered the submissions made by counsel for the parties.

6. Apparently, it appears that no fatal injury on the head of Ganga Sharan is attributed to the present petitioner who was stated to be armed with wooden stick. No doubt, trial is going on but the petitioner is having long incarceration as is in custody for last more than 4 years and 1 month

and is having no criminal antecedents. Similarly situated co-accused Dinesh is already given benefit of regular bail by the trial Court vide order Annexure P-3. It will take time for the final disposal of the trial. In the given circumstances, no purpose is going to be served by prolonging judicial custody of the present petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No