



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

210

CRM-M-2819-2025

Date of decision: January 24th, 2025

Vinod

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhimanyu Singh, Advocate
for Mr. Praveen Sharma and
Mr. Shekhar Thakur, Advocates, for the petitioner.

Mr. Karan Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.354 dated 26.08.2021 under Sections 148, 149, 323, 302, 325, 307, 452, 506 of the IPC registered at Police Station Sadar Nuh.

2. Learned counsel for the petitioner submits that although the petitioner has been named as an accused in the FIR in question, however, totally false allegations have been levelled against him that he was armed with a stick with which he along with the co-accused inflicted injuries upon the deceased. It has been contended that 60 prosecution witnesses still remain to be examined out of the 67 cited and hence, on this ground alone, the petitioner deserves to be extended the concession of bail as one of the co-accused Pawan, who is identically placed as the petitioner has already been enlarged on bail vide order dated 25.11.2024 (Annexure P-5). Learned counsel has also submitted that as all the material witnesses, which include the complainant, who allegedly witnessed the occurrence in question as

well as the other injured witnesses had been examined before the trial Court, there could be no apprehension of the petitioner tampering with evidence or influencing/intimidating the witnesses. Learned counsel has also brought to the notice of this Court that other than co-accused Pawan, 12 other accused, who were also named and attributed a role in the alleged occurrence, in which Vipin succumbed to his injuries, had also been extended the concession of bail.

3. On a pointed query put to the learned counsel as to whether the petitioner has any previous criminal antecedents, he has categorically replied in the negative.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he disputed that all the material witnesses including the complainant and injured witnesses stand examined. It has also not been disputed, on instructions, that 13 of the other co-accused, who are similarly placed as the petitioner, have since been extended the concession of bail. However, while drawing the attention of this Court to the FIR in question, it has been asserted by the learned State counsel that a perusal of the FIR reveals that the petitioner has been specifically named and it has been alleged that the petitioner actively participated in the occurrence in question by assaulting the deceased and other injured witnesses.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 13.01.2022. The trial is unlikely to conclude in the near future as 60 witnesses still remain to be examined out of the 67 cited by the prosecution.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 24th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No