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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26762-2024(O&M)
Date of decision:-21.05.2025

PAWAN KUMAR ALIAS BLACKIA
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Sandhu, Advocate and
Mr. Dinesh Maurya, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-2):-

FIR No.	Dated	Sections	Police Station
109	05.05.2021	148, 149, 201, 302, 323, 341 IPC and Section 25 of Arms Act	City Ratia, District Fatehabad

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, and he is in custody since 10.05.2021. He contends that no fatal injury has been attributed to the petitioner, and similarly situated co-accused Sandip @ Kalu, Tarsem @ Bachchi @ Mini have already been granted concession of



bail vide order dated 29.04.2024 and 08.05.2024 (Annexure P-4 and P-5) respectively. After completion of investigation, challan has already been presented in Court, as such, petitioner is not required for further investigation, hence, prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has prayed for dismissal of the bail petition on the ground that there are specific allegations against the petitioner of having given head injury with iron rod to the deceased and after his arrest the said iron rod was got recovered by the petitioner on the basis of his disclosure statement. Hence, prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it is observed that as per the allegations of the prosecution, the petitioner is alleged to have given iron rod blow on the head of the deceased. Admittedly, the fatal blow with knife has been attributed to the co-accused Vinod @ Majnu and the fatal blow is not attributed to the present petitioner. It is also not disputed that similarly situated co-accused Sandip @ Kalu, Tarsem @ Bachchi @ Mini have already been granted concession of bail vide order dated 29.04.2024 and 08.05.2024 (Annexure P-4 and P-5) respectively. The petitioner was arrested in this case on 10.05.2021 and after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 36 witnesses and till date none of them have been examined. In this manner, the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining petitioner in custody any longer.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered



to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

21.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |