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

**CRM-M-26993-2024 (O&M)
Date of decision : 14.01.2025**

Sheo Ram

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Singh Jattan, Advocate,
for the petitioner.

Mr.Ashok S. Chaudhry,Addl.A.G., Haryana.

Mr. Sidhant Bhonsle, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.99 dated 12.03.2022 under Sections 506 & 323 read with Section 34 (Section 302 added subsequently) of the Indian Penal Code, 1860, registered at Police Station Bilaspur, District Yamuna Nagar.

2. Allegations are that petitioner along with other co-accused gave injuries to the complainant-party, resulting into death of one of the victims, i.e. Sher Singh, father of the *de facto* complainant-Narinder Kumar.

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3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 30.05.2024 and he is regularly appearing before learned trial Court and there has been no progress of trial except examination of only 06 prosecution witnesses. Again contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions from SI-Rati Ram, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 30.05.2024.

5. *Per contra*, learned counsel for the complainant opposed the prayer on the premise that petitioner is specifically named in the FIR and fatal blow has been attributed to him.

6. Heard learned counsel for both the sides and perused the paper book.

7. It is a matter of record that petitioner was granted interim bail by this Court on 30.05.2024 and the order reads as under:-

“Contends that petitioner is 70 years of age and he is in custody since 20.03.2022. Further contended that Section 302 IPC was added after 07 days of the alleged occurrence. Also contended that out of total 16 prosecution witnesses, only 02 have been examined till date and there is a cross-version registered against the complainant side; wherein, petitioner had also suffered 06 injuries.

Learned State counsel seeks time to verify the above factual position.

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In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. Petitioner is stated to be 70 years old; he remained in custody from 20.03.2022 to 30.05.2024 and only 06 prosecution witnesses have been examined till date. Still further, it is a case of version & cross-version, wherein, persons from both sides received injuries in a free fight. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose. Hence, the objection raised by learned counsel for the complainant is hereby rejected.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 30.05.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. Above observations be not construed as an expression of opinion on merits of case, in any manner.

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

Pending application(s), if any, shall also stand disposed off.

14.01.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No