



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

CRM-M-64201-2024 (O&M)

Date of Decision:-05.02.2025

Paramjit @ Gauri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sahil Chaudhary, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. Manoj Pundir, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a third petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.152 dated 25.09.2021 under Sections 148, 149, 323, 325, 326, 427, 506, 307, and 302 of IPC, registered at Police Station Sadar Jagadhari, District Yamuna Nagar.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner has been in custody since 27.09.2021, which is almost 3 years and 4 months and out of total 29 cited prosecution witnesses, 09 prosecution witnesses have been examined. He further submitted that it is a case where the trial has been delayed because an application was filed under Section 319 of the Cr.P.C. for summoning additional accused. He submitted that it is a case where, as per the allegations against the petitioner, he along with the co-accused had assaulted the injured



and the deceased. As far as the role of the petitioner is concerned, even according to the prosecution, he inflicted a sword blow on the injured, namely Damanjit Singh. No role has been attributed to the petitioner with regard to the deceased, and the main accused who gave the blow to the deceased is already in custody.

3. Learned counsel also referred to the orders passed by this Court and also passed by a Coordinate Bench of this Court whereby some of the other co-accused have already been granted the benefit of bail. He referred to Annexure P-3, whereby regular bail was granted by this Court to another co-accused, namely Daljit Singh @ Pinka and Kala @ Jagjit Singh, on the ground that they had given *danda* blows to one of the injured, namely Gurjeet Singh. He further referred to Annexure P-4, whereby bail was granted by this Court to another co-accused, namely Vikas Kumar @ Lalla on 14.10.2022, on the ground that he was a member of unlawful assembly and was nominated on the basis of disclosure statement of the co-accused. Yet another co-accused, namely Vikramjeet Singh @ Happy, was granted the benefit of regular bail by a Coordinate Bench of this Court on 11.05.2023 vide Annexure P-5. He further submitted that the petitioner is not only at parity with the aforesaid co-accused but also entitled to the grant of regular bail because he has been falsely implicated in the present case. Besides the aspect of parity, he may also be considered for grant of regular bail on the ground of long custody, which is 3 years and 4 months.

4. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. Out of total 29 cited prosecution witnesses, 09 have been examined and the aforesaid co-



accused have been granted regular bail. However, he submitted that so far as the role of the present petitioner is concerned, he had given a sword blow to one of the injured, namely Damanjit Singh and as a consequence of the same, his arm was cut. But so far as the deceased is concerned, the role has been attributed to another co-accused, who is already in custody and not to the present petitioner.

5. Learned counsel appearing on behalf of the complainant stated that, insofar as the petitioner is concerned, he is not at parity with the other co-accused who have been granted bail because the role attributed to the present petitioner is that he had given a sword blow on the injured. However, it is not in dispute that the petitioner did not cause injury to the deceased person. He also submitted that three material witnesses are yet to be examined, and therefore, the petitioner is not entitled to the grant of regular bail.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner has been in custody for about 3 years and 4 months, and as per the learned counsels for the parties, out of total 29 cited prosecution witnesses, 9 prosecution witnesses have been examined. Some of the aforesaid co-accused have been granted bail and the roles attributed to them were either inflicting injury on the injured by way of a *danda* blow, being part of the unlawful assembly, or being nominated based on the disclosure statement of a co-accused. The counsel for the petitioner has claimed parity with the aforesaid co-accused. As far as the role of the present petitioner is concerned, it is the case of all the learned counsels for the parties that the petitioner inflicted a sword blow on one of the injured, namely Damanjit Singh.



8. The petitioner is also stated to be involved in one more case under the Arms Act. As far as the parity aspect is concerned, this Court is of the view that it cannot be said that the petitioner is strictly at parity with the aforesaid co-accused who have been granted the benefit of bail, vide Annexures P-3 to P-5. However, at the same time, this Court cannot lose sight of the fact that the petitioner has already faced incarceration for about 3 years and 4 months, and 9 prosecution witnesses have been examined. The fact that the petitioner is involved in one more case under the Arms Act cannot be a ground for the denial of bail. Furthermore, it is neither the case of the learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. However, such an objection was raised by the learned counsel for the complainant, stating that three material witnesses are yet to be examined. However, it has neither been so pleaded by learned counsel for the complainant that in case the petitioner is released on bail then he may influence the witnesses nor any material has been placed on record.

9. Therefore, this Court would consider the plea for bail filed by the petitioner solely on the ground of his custody. The custody of the petitioner is admittedly about 3 years and 4 months. Considering the aforesaid facts and circumstances of the case, and in view of the custody period undergone by the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

10.. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

05.02.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No