

205

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

**CRM-M-16843-2022 (O&M)
Date of Decision:31.08.2022**

Parveen

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.178 dated 09.06.2020 registered under Sections 302, 323, 342 IPC and Section 3(2)(v) Schedule Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 (after investigation Section 302 IPC was deleted and Section 304 Part I IPC was added in the final report) at Police Station Jind Sadar. The petitioner is in custody since his arrest on 11.06.2020.

The FIR in the present matter was registered on the basis of statement suffered by complainant-Balbir Singh son of Gurmita Singh, resident of village Dhariwal Doga, District Kapurthala, Punjab before the police, wherein it is alleged that he was working as driver of truck No.HR-56B-7772 and Parveen was the owner of the said truck. One Balwinder Singh son of Santokh Singh was also working as cleaner on the said truck. On 08.06.2020, he and Balwinder Singh on the asking of Parveen handed over the said truck to one other driver at Shamli and they sat in his vehicle

and came at the shop of brother of Parveen near Rohtak Road Bridge in front of village Anoopgarh. After that, they alongwith Parveen went to “Pandata Dha Dhaba” which was situated adjacent to the shop. They took meal at about 10.00 P.M. Thereafter, the owner of hotel Rajbir Sharma and Parveen Jangra called two young boys, namely, Jitender and Rehman. The complainant asked Parveen about his salary and the salary of Balwinder. On that Paveen asked the remaining three to finish the complainant and Balwinder Singh. Thereafter, Parveen and Rajbir Sharma owner of the hotel and other two boys started giving beatings to the complainant and Balwinder with dandas and they closed the shutter of the hotel. They continued with the beatings to complainant and Balwinder for about 2-3 hours, and killed Balwinder. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner is in custody for a long period and only six witnesses including eye-witness/complainant Balbir Singh have been examined so far out of total twenty eight prosecution witnesses. He submits that the injuries inflicted to the complainant Balbir Singh have been declared simple in nature, and the trial would take considerable time to conclude, therefore, he prays for bail.

Learned State counsel assisted by ASI Wazir Singh, has opposed the prayer on the ground that the offences are serious in nature, however, it is not disputed that eye-witness/complainant Balbir Singh has been examined, and out of total twenty eight prosecution witnesses, twenty two are yet to be examined.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this Court

finds that since the material witnesses have already been examined by prosecution and remaining witnesses are official witnesses and presently, there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars may not serve any useful purpose, as the trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

31.08.2022

Jasmine Kaur

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No