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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31058-2024
Date of decision:-01.04.2025

ASHOK KUMAR ALIAS SOKI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Vikash Bishnoi, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 27.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
109	05.05.2021	148, 149, 302, 323 and 341 IPC (201 IPC and 25 of Arms added later on)	City Ratia, District, Fatehabad,

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that the petitioner had not been attributed to have caused any injury to the deceased. He contends that there is no specific overt act attributed to the petitioner. He contends that the alleged attribution to the petitioner is of having caused bat blow injury on the leg of injured Kalu @ Kala. He further contends that the co-accused Tarsem @ Bachchi @ Mini has already been granted concession of bail vide order dated 08.05.2024 (Annexure P-3) and case of the petitioner is at par with him. He contends that the petitioner is in custody since 12.09.2023 and out of 36 witnesses cited by the prosecution only 1 witness has been examined till date. He submits that conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by contending that considering the nature and gravity of offence petitioner is not entitled to concession of bail, hence prayed for dismissal of the bail petition. However, he has not disputed the fact that the role attributed to the petitioner is at par with co-accused Tarsem @ Bachchi @ Mini who had already been granted concession of bail vide order dated 08.05.2024 (Annexure P-3).

6. After considering the rival contentions and perusing the record, it transpires that as per the prosecutions case the alleged attribution to the petitioner is of having caused bat blow injury on the leg of injured Kalu @ Kala and he was arrested on 12.09.2023, since then he is in custody. Co-accused Tarsem @ Bachchi @ Mini who is at par with the present petitioner has already been granted concession of bail vide order dated 08.05.2024 (Annexure P-3). After completion of investigation, challan has already been

presented in Court, wherein prosecution has cited 36 witnesses and till date only 1 witness has been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

7. 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 evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

01.04.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No