

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48012-2019

Date of Decision: 18.11.2019

Sunil @ Anda

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

...

Manoj Bajaj, J.

Petitioner Sunil @ Anda has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.23 dated 26.01.2014, under Sections 302 and 201 IPC read with Section 34 IPC registered at Police Station Bhupani, District Faridabad (Haryana). He is in custody since his arrest on 01.11.2018.

The FIR was registered on the basis of the statement given by Deepak son of Virender, wherein it was mentioned that on 26.01.2014, while playing the cricket, the ball went into a pit and when he went to pick the ball, the human skelton was seen in the pit and he informed the police.

Learned counsel for the petitioner contends that the entire case of the prosecution hinges upon the evidence of Puneet, who had allegedly seen the said occurrence. According to the said witness, the accused had given beatings to Deepak @ Kaku (deceased). It is pointed out that even the identity of the victim is yet to be ascertained. Further, he has produced the deposition of PW Puneet to contend that the said eye witness did not

support the prosecution case and was declared hostile. He further submits that the co-accused of the petitioner, namely, Manoj @ Sethi has been released on regular bail by this Court vide order dated 16.09.2019. According to him, the trial of the case may take some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel has opposed the prayer, however, it is not disputed that the said eye witness Puneet testified before the trial Court as PW-18 and has not supported the prosecution case. He fairly states that co-accused Manoj @ Sethi has been granted regular bail by this Court.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as in all there are 33 prosecution witnesses and many of them still remain to be examined and keeping in view the custodial period of the petitioner, his further custody may not be justified. 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, Faridabad.

The petition is allowed.

18.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No