

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-20574 of 2020
Date of Decision : 11.08.2020

Kuldeep Pal

....Petitioner

Versus

State of Haryana

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 119 dated 12.05.2019, under Section 302 IPC, 1860, registered at Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner argues that the present case was a case of an accident and not of murder and during the trial also, none of the prosecution witnesses, including the eye witness, have supported the prosecution case with regard to the charge under Section 302 IPC. Learned counsel for the petitioner states that all the prosecution witnesses have been examined, wherein, they have stated that an accident was caused due to the fact that the motorcycle became unbalanced. Learned counsel for the petitioner further submits that as all the prosecution witnesses have been examined, there is no question of interfering in the trial in any manner by the petitioner and keeping the petitioner behind the bars at this stage, when

the petitioner has already spent more than one year behind the bars does not serve any purpose, hence, petitioner be granted the concession of regular bail.

Notice of motion.

Mr. Vishal Malik, learned Deputy Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel on instructions from SI Sri Kant concedes that all the prosecution witnesses have already been examined and the case is now fixed for recording of statement of petitioner under Section 313 Cr.P.C.

I have heard learned counsel for the parties and have gone through the record very carefully.

Learned State counsel has not brought to the notice of this Court any evidence already recorded, where a prosecution witness has supported that the accident was caused intentionally and same amounted to murder.

Keeping in view the facts recorded above, no useful purpose will be served by keeping the petitioner behind the bars as all the prosecution witnesses have already been examined and there is no threat that the petitioner will interfere in the trial in any manner, in case he is granted the concession of bail at this stage. Ordered accordingly.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner

will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 11, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*

Whether reportable? *No*