

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8061-2021

Date of decision: - 22.04.2021

Sunil

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present second petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.99 dated 14.04.2019, under Sections 302, 201, 394, 365 & 120-B/34 IPC, registered at Police Station Line Paar, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that petitioner has been wrongly roped in the present case and he has nothing to do with the allegations which are levelled against him in the FIR. Learned counsel for the petitioner further submits that the material witness according to whom the petitioner was last seen with the deceased has already been examined and the said witness has failed to identify the petitioner.

Learned counsel for the petitioner further submits that petitioner is

already behind the bars since 12.08.2019 and the trial is likely to take some time before the same is concluded, hence, the petitioner be granted the benefit of regular bail.

Notice of motion.

Ms. Rajni Gupta, Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the disclosure statement of the petitioner makes it clear that he was involved in the incident, but concedes that the material witness, who has already been examined, has failed to identify the petitioner during his testimony. Learned State counsel further submits that the prosecution evidence is still going on, it is likely that the petitioner might influence the other witnesses and therefore, he may not be granted the regular bail, at this stage.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations against the petitioner are on the basis of last seen theory. The fact that in the testimony, the material witness, namely, Dharmender, who was stated to have seen the deceased in the company of the petitioner, has failed to identify him during his testimony goes un rebutted. Not only this, the petitioner is behind the bars since 12.08.2019 and the trial is likely to take some time before the same finishes, hence, no useful purpose will be served by keeping the petitioner behind the bars as the averments made in the disclosure

statement are yet to be proved in the Court of law.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

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.

(**HARSIMRAN SINGH SETHI**)
JUDGE

April 22, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No