

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11692-2021

Date of Decision: 01.09.2021

Jyoti @ Sonu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Virk, Advocate, for the petitioner.

Mr. Naveen Singh, Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 221 dated 28.08.2018, under Sections 323,324,302, 325,307, 34 of IPC, registered at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated and even as per the version of the complainant there was no pre-existing dispute which she has stated in the cross-examination. He submitted that the petitioner is in custody for the last three years i.e. From 28.08.2018 and the trial of the case is going at a slow pace and only 6 witnesses out of total 18 cited witnesses have been

examined. He submitted that the petitioner is not involved in any other case and no recovery is to be effected from the petitioner. He has further submitted that the material witness i.e. the complainant has already been examined and no useful purpose will be served in case the petitioner is kept in custody for a period longer than three years. He has, therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that he is in custody for the last 3 years i.e. from 28.08.2018 and out of 18 cited witnesses, 6 have been examined including the material witness i.e. the complainant. He further submitted that it is also correct that no recovery is to be effected from the petitioner because the case is at the trial stage. He has however expressed his apprehension that since it is a case of Section 302 IPC, there can be likelihood that in case the petitioner is granted bail, then he may threaten the witnesses.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last three years and only 6 witnesses have been examined in the present case and the material witness i.e. the complainant has already been examined. It is also not disputed that the petitioner is not involved in any other case. The apprehension expressed by the learned State counsel that since it is a case of Section 302 IPC and there is a likelihood that the petitioner may threaten the witnesses would not sustain in view of the fact that such an apprehension seems to be mechanical in nature and it is not based upon any other supporting material.

Therefore, keeping in view the custody of the petitioner and facts and circumstances of the entire case, I deem it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.09.2021.

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No