

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19858-2021
Date of Decision : 16.12.2021

Kuldeep @ Jaat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Karan Garg, AAG, 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. 689 dated 16.08.2020 under Sections 148, 149, 302, 201, 364, 120-B of IPC, registered at Police Station Model Town, District Panipat.

Learned counsel for the petitioner argues that the petitioner has wrongly been involved in the present case and the petitioner has done no wrong, rather, the present is a case of a blind murder where, the petitioner was initially involved keeping in view the apprehension of the father and brother of the deceased towards the co-accused, on whose disclosure statement, the petitioner was roped in. Learned counsel submits that as of now, the father and brother of the petitioner have already been examined but they have not supported the prosecution and have been declared hostile and therefore, as only 8 prosecution witnesses, out of the 19 cited, have been examined and the trial is likely to take sometime before it concludes, the petitioner may be extended the benefit of regular bail.

Learned State counsel on instructions from SI Suresh submits that the petitioner was involved in the present case on the basis of the

disclosure statement of co-accused, namely, Sethi towards whom, the family had shown apprehension for committing the said act but concedes that during the testimony, material witness i.e. the father and brother of the deceased, have not supported the allegation against the petitioner and rather they have been declared hostile.

Learned State counsel further submits that though, 11 witnesses are yet to be examined and the guilt of the petitioner will be established on the basis of the complete evidence which will come on record but as of now, the evidence against the petitioner is the disclosure statement of the co-accused Sethi, implicating the petitioner as well as the recovery, which has been effected during the investigation. Learned State counsel further submits that the petitioner was involved in three other cases though, he was convicted in one and was acquitted in two cases.

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

Once, the witnesses examined so far have not supported the prosecution version so as to implicate the petitioner and nothing has come on record as of now that petitioner will influence the trial or the witnesses in case granted the concession of bail so as to continue the incarceration of the petitioner. Though, the innocence as or the guilt of the petitioner is to be adjudged on the basis of the complete evidence which will come during trial but this Court is also to assure that the incarceration of the petitioner during the trial is not unjustified.

Keeping in view the facts and circumstances of this case, where even the father and brother of the petitioner have not supported the prosecution, and the trial is likely to take some time as 11 prosecution

witnesses are yet to be examined, the petitioner has made out a case for grant of regular bail especially in view of the fact that the learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted bail, he would not interfere with the trial or the witness in any manner and will maintain good conduct.

In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail, 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.

16.12.2021
hemlata

(HARSIMRAN SINGH SETHI)
JUDGE

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