

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

**CRM-M-31592-2020 (O&M)
Date of decision:28.09.2021**

Jaibir alias Zabra

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K. Panwar, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-29257-2021

Application is allowed as prayed for.

Annexures P-4 to P-8 are taken on record.

CRM-M-31592-2020

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.679 dated 20.10.2018 registered under Sections 302, 404 read with Section 34 IPC at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner states that the petitioner has falsely been involved in this case. There is no specific injury attributed to the petitioner, which could have resulted into the death of Ravinder son of the complainant. There is also a delay of 16 hours in lodging the FIR. The alleged recovery of Scooty of the deceased Ravinder, was planted upon the petitioner. Post presentation of the challan, the charges have been framed.

It is further submitted that out of 20 prosecution witnesses, 2 witnesses have been examined. Out of them, an eye witness, namely, Chirag Mittal,

PW3, has been declared hostile. Co-accused, namely, Vikram @ Vicky @ Gonder and Amit @ Ganja @ Sachin have already been granted regular bail by the Coordinate Bench of this Court, vide order dated 24.09.2020 (Annexure P-3). The petitioner has been in custody since 01.11.2018 and there is no other case registered or pending against him.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner and the factum of presentation of the challan and framing of the charges and the eye witnesses having turned hostile. However, he points out that the petitioner was specifically named in the FIR as one of the assailants, who had murdered Ravinder son of the complainant and that in his disclosure statement, the petitioner has admitted his guilt.

I have heard the learned counsel for the parties.

In the present case, there is no specific injury attributed to the petitioner and the allegations against all the accused, including the petitioner, are of having caused injuries to the deceased with interlock cemented bricks. The case is at the evidence stage and out of 20 prosecution witnesses, 2 witnesses have been examined and the eye witness has turned hostile. Moreover, co-accused, namely, Vikram @ Vicky @ Gonder and Amit @ Ganja @ Sachin have already been granted regular bail by the Coordinate Bench of this Court, vide order dated 24.09.2020 (Annexure P-3). The petitioner has been in custody since 01.11.2018. There is no other case registered or pending against him. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

28.09.2021

ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No