

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38538-2021

Date of Decision: 23.09.2021

Harkesh @ Rajesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishwajeet Singh, 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 grant of regular bail to the petitioner in FIR No.210 dated 12.09.2020, under Sections 307, 323, 452, 506 and 34 of IPC, registered at Police Station, Bhondsi, District Gurugram.

Learned counsel for the petitioner has submitted that in the present case the petitioner is in custody since 04.12.2020 which is more than 09 months and the investigation of the case is already complete and challan has already been presented under Section 173 Cr.P.C. He has further submitted that the charges in the case have also been framed and all the material witnesses have been examined including the complainant and the

eye-witnesses. He submitted that during the deposition by the eye-witnesses there is nothing stated by them that the petitioner was also present on the spot. He further submitted that even the injuries which have been attributable to the petitioner as per the allegations, the same was not attributable to the injured Kanta Devi who has received injuries on the head but as per the allegations the injuries were attributable to one Joginder who is the brother of the father-in-law of Rajni (co-accused). He has further submitted that the other two co-accused namely, Rajni and Yaman have also been granted bail by this Court vide Annexures P-2 and P-3. He has further submitted that earlier he had filed a bail application which was withdrawn by him on 24.11.2020 but now there is a change of circumstance because the material witnesses including the complainant and the eye-witnesses have already been examined and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has not disputed the custody of the petitioner. He has also not disputed that the material witnesses including the complainant and the eye-witnesses have been examined.

I have heard the learned counsel for the parties.

In view of the fact that the complainant and the eye-witnesses have already been examined and the petitioner is in custody since more than 09 months and the trial may take long time and 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.

23.09.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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