

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38690-2021
Date of Decision: 23.09.2021

Kiran

....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. Ranveer S. Arya, Addl. Advocate General, 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.221 dated 28.08.2018, under Sections 323, 324, 302, 325, 307 and 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 he is facing incarceration from 28.08.2018, which is more than three years and out of the total 18 cited witnesses 09 have already been examined and 2 have been given up. He has further submitted that he is not involved in any other case and no recovery is to be effected from the petitioner and has submitted that since all the

material witnesses including the complainant have already been examined, no useful purpose has been served in case the petitioner is kept in custody for period longer than three years and has therefore, prayed for the grant of regular bail. The learned counsel has submitted that the other similarly situated co-accused namely, Jyoti @ Sonu has already been granted bail by this Court.

On the other hand, the learned State counsel has submitted that it is correct that the custody of the petitioner is from 28.08.2018, which is more than three years and 09 witnesses have been examined out of the total 18 cited witnesses and the all the material witnesses have also been examined including the complainant. He has also not disputed that no recovery is to be effected from the petitioner. However, he has expressed his apprehension that since it is a case of Section 302 IPC, there is a likelihood that in case the petitioner is granted bail, then he may threaten the witnesses.

The petitioner is facing incarceration for more than three years and 09 witnesses including the complainant and the other material witnesses according to the learned counsel for the parties have already been examined. The apprehension of the learned State counsel that, he may threaten the witnesses, in case he is granted bail seems to be mechanical in nature as the same is not based upon any supporting material.

I have heard the learned counsel for the parties.

Keeping in view the long custody of the petitioner and the facts and circumstances of the present case, I deem it fit and proper to grant regular 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