

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39991-2021
Date of Decision: 02.11.2021

Amit

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Suri, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

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.324 dated 14.07.2019, under Sections 302/34 of IPC, registered at Police Station Sampla, District Rohtak.

The learned counsel for the petitioner has submitted that in the present case the allegation against the petitioner is that he alongwith other co-accused namely, Naresh had killed the deceased namely Sikandar but infact, there was no role of the petitioner. He submitted that be that as it may the petitioner is in custody from 14.07.2019 which is more than two years and the charges in the present case were framed on 29.01.2020 and though there was restrictive hearing due to Covid-19 pandemic but as per the zimni

orders, the witnesses namely, complainant Virender and Surender had put in their appearance through counsel on 25.02.2020 and thereafter a number of times, they were summoned for deposition but did not appear and till date no prosecution witness has been examined despite the fact that the charges were framed way back on 29.01.2020. He submitted that in view of the custody of the petitioner, the petitioner cannot be kept in custody for unlimited period in view of the fact that none of the prosecution witness have been examined till date and the material witnesses namely, Virender and Surender are not coming forth despite the fact that they were repeatedly summoned and even warrants were also issued for appearance and for deposing.

Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the charges were framed on 29.01.2020 and no prosecution witness has been examined till date and the witnesses namely, Virender and Surender are not coming forth for deposition before the Court. He has further submitted that so far as the role of the petitioner is concerned, he had caught hold of the deceased who was thereafter killed by the other co-accused.

I have heard the learned counsel for the parties.

Without going into the merits of the case, this petition can be considered on the basis of the custody of the petitioner and also that no prosecution witness has been examined till date, although the charges were framed way back on 29.01.2020 and for a number of times the witnesses namely, complainant Virender and Surender have been summoned by the Court and as per the learned counsel for the petitioner even warrants were

also issued by the Court. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the aforesaid factual position, this Court deems 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.

02.11.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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