Through video conference
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41764-2021 (O&M).
Decided on: November 18, 2021.

Rahul alias Bakri

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT **Mr.Sushil Jain, Advocate,**
for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.420 dated 6.9.2020, under Section 346 IPC (Sections 302, 364, 365, 201 and 120-B and 34 IPC added later on), registered at Police Station Kundli, District Sonipat.

Learned counsel for the petitioner has argued that the petitioner is in custody since 2.10.2020 and after completion of investigation challan was presented before the competent Court and thereafter the trial has

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also commenced and the material witnesses including the complainant have since been examined. He submitted that the complainant and the other material witnesses have turned hostile and they have stated that they never gave any statement to the police against the petitioner. He further submitted that the petitioner is not involved in any other case and he is not a habitual offender and the trial of the case would take long time and keeping in view the facts and circumstances of the present case, the petitioner may be considered for the grant of regular bail. He further submitted that so far as role of the petitioner is concerned, he is neither relative of the in-laws of the deceased nor he was in any way connected with the offence and mere recovery of motorcycle from the petitioner on the basis of disclosure statement would not be of any relevance unless the motorcycle is in any way is connected with the alleged crime and therefore, the petitioner was falsely implicated in the present case.

On the other hand learned State counsel has submitted that it is correct that the petitioner is in custody since 2.10.2020 and the investigation of the case is already complete and no recovery is to be effected from the petitioner. He has submitted that it is also correct that the petitioner is not involved in any other case and the material witnesses including the complainant have turned hostile. He submitted that there was recovery of motorcycle which was used in the crime from the petitioner and therefore, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

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The name of the petitioner was nominated on the basis of the statement made by the complainant and thereafter, the complainant and material witnesses have turned hostile according to the learned counsel for the parties. 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 the evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the 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 only for the purpose of decision of present petition.

November 18, 2021. **(JASGURPREET SINGH PURI)**
raj arora **JUDGE**

Whether speaking / reasoned **Yes / No**
Whether reportable **Yes / No**

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