

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39663-2020(O&M)

Date of Decision: 25.03.2021

Anand

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Aman Pal, 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 Sections 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No. 454 dated 20.07.2019, under Sections 302, 201, 120-B and 34 of the Indian Penal Code, registered at Police Station Samalkha, District Panipat.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, in which the allegations which are contained in the FIR were that a complaint was made by one Kela wife of Mahinder, resident of village Naraina that on 10.07.2019 when she had gone to Chandigarh to meet her sister then her son namely Chandi had told her on phone that father had died and that thereafter,

she had come to know that her son namely Chandi had purchased one tractor Mahindra, one Bolero and two motorcycles in the name of her husband after consulting with his friends on loan and now they have come to know that Chandi along with his friends in order to grab the loan amount had killed her husband by pressing his face with pillo. The learned counsel has further submitted that so far as the petitioner is concerned, he was not named in the FIR and he was nominated thereafter. He further submitted that the FIR was lodged after 4 days of delay and the petitioner is in custody since 1 year and 8 months. He further submitted that all the material witnesses have been examined and out of 12 cited witnesses 7 have already been examined including the complainant namely Kela. He further submitted that the complainant Kela rather turned hostile and had stated before the Court during evidence that her husband had died due to illness. The learned counsel further submitted that in view of the aforesaid facts, the petitioner is entitled for the grant of regular bail. He has further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 1 year and 8 months and out of 12 cited witnesses 7 have already been examined including the complainant and all the material witnesses have been examined. He further submitted on instructions from SI Naresh that it is also correct that the complainant Kela had turned hostile and she had stated that her husband had died due to illness. However, he has opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that out of 12 cited witnesses 7 have already been examined including the complainant. It is also not in dispute that the complainant has stated during her examination at the time of trial that her husband had died due to illness. It has also not been disputed by the learned State counsel that the petitioner is not involved in any other case. Furthermore, it is not the case of the State counsel that in case the petitioner is released on bail then he may tamper with any evidence or he may influence any of the witnesses or he may flee from justice.

Therefore, considering the totality and circumstances of the present case and without commenting on the merits of the case, I deem it fit and proper to allow the petition. Consequently, the petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

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.

25.03.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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