

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-45874-2021 (O&M)

Date of Decision : November 08, 2021

Krishan

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Sheoran, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-36730-2021

As prayed for, the application is allowed.

CRM-M-45874-2021

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.17 dated 13.01.2021 registered under Sections 302, 120-B, 201, 202 and 34 IPC at Police Station Azad Nagar, Hisar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR but has only been roped in the present case on the basis of the disclosure statement of the co-accused namely Kashmiri. Learned counsel for the petitioner further submits that the petitioner has been involved in the present case without there being any illegal act committed on his part. Learned counsel for the petitioner further submits

that even otherwise now, the material witnesses have already been examined and the father of the deceased has not supported the prosecution version as of now and has been declared hostile and only the police officials are to be examined and hence, keeping the petitioner behind the bars throughout the trial, will serve no purpose.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana., who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, though concedes that the material witnesses have been examined and the father of the deceased has not supported the prosecution version but submits that there was a motive with the petitioner to commit the said crime. Learned counsel for the respondent-State submits that the motive has already come on record in the order passed by the trial Court dated 13.07.2021 vide which, the prayer of the petitioner for the grant of regular bail has been dismissed. Hence, the petitioner, be not extended the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner was not named in the FIR and has been roped in the present case only on the basis of the disclosure statement of the co-accused namely Kashmiri. The material private witnesses, who have been examined, have not supported the prosecution version and even the father of the deceased has been declared hostile.

With regard to the motive, which is being attributed to the petitioner, the same can only be proved on the basis of the total evidence,

which is yet to come on record and this Court is not opining as to whether the petitioner is guilty or innocent as of now.

Once, the material witnesses have been examined and the trial is likely to take some time and as of now, nothing material has come on record to connect the petitioner with the allegations, keeping the petitioner behind the bars throughout the trial will serve no useful purpose as now only the police officials are to be examined, hence, question of influencing the witnesses does not arise.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 08, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No