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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-47553-2021 (O&M).
Decided on: November 30, 2021.

Parshant Hindrab @ Chottu

.. Petitioner

VERSUS

The State of Haryana

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

* * *

PRESENT Mr.Ramandeep Singh Gill, Advocate,
for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Learned counsel for the petitioner has stated that in the headnote as well as in the prayer clause of the petition, Section 396 IPC has been inadvertently mentioned as 389 and therefore, he has prayed that on his oral request Section 396 IPC be permitted to be added in the headnote as well as in the prayer clause of the petition instead of Section 389 IPC.

Learned State counsel has stated that he has no objection in case the prayer made by the learned counsel for the petitioner is accepted as the said Section 396 IPC also finds mention in the order dated 28.1.2021

(Annexure A-2) passed by the learned Additional Sessions Judge, Ambala, attached with the petition.

Accordingly, the prayer is accepted. Section 396 IPC be read in place of Section 389 IPC in the headnote as well as in the prayer clause of the petition.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.423 dated 24.11.2018, under Sections 396, 302, 307 and 120-B IPC and under Section 25 of the Arms Act, 1959, registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 12.3.2019 which is more than 2½ years and out of 37 witnesses cited by the prosecution only 11 have been examined. He submitted that it is a case where the name of petitioner was nominated on the basis of disclosure statement of co-accused namely Navpreet Singh @ Nav Sandhu which is inadmissible in evidence and there is no other evidence to link the petitioner with the present offence. He submitted that other co-accused namely Simranjit Singh @ Simmy, Gurvinder Singh @ Guri and Vivek Kumar Puri have been granted bail by this Court vide orders passed in CRM-M-40044-2019, CRM-M-37255-2020 and CRM-M-41259-2021, respectively on the ground that their names were nominated on the basis of disclosure statement. He further submitted that the petitioner is involved in one another case bearing FIR No.19 dated 3.2.2019 which was also planted upon the petitioner. He further submitted that the complainant namely Bharat Bhushan and the eye-witness namely Manoj Awasthi while deposing before the learned trial Court during trial have turned hostile by stating that the

persons present in the Court were not involved in that incident. He submitted that since similarly situated co-accused have been granted bail regular bail by this Court, the petitioner, considering his long custody, be also considered for the grant of regular bail.

On the other hand, learned state counsel has submitted that it is correct that the petitioner is in custody since 12.3.2019 which is more than 2½ years and it is also correct that out of 37 witnesses cited by the prosecution, 11 have been examined. He submitted that it is also correct that complainant namely Bharat Bhushan and the eye-witness namely Manoj Awasthi while deposing before the learned trial Court during trial have turned hostile and that the other three accused who were similarly situated have been granted regular bail by this Court. He, however, has opposed the grant of regular bail on the ground that the petitioner is also involved in another case bearing FIR No.19 dated 3.2.2019 under Sections 207, 392, 148 and 149 IPC and therefore, he has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

The custody period of the petitioner which is more than 2½ years is not in dispute. It is also not in dispute that material witnesses i.e. the complainant and eye-witnesses have turned hostile during trial. The name of the petitioner was nominated on the basis of disclosure statement of co-accused. 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 any evidence or may flee from justice.

Therefore, considering the long custody of the petitioner as well as the the facts and 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, if not required in any other case.

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 30, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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