

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 204)

CRM-M No. 1209 of 2021

Date of decision : 09.03.2022

Ankush

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Manoj Pundir, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A. G., Haryana.

Mr. Krishan Singh, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.277 dated 16.02.2020 registered under Sections 323, 34, 506 IPC (Sections 307 and 302 IPC added later on) at Police Station Jagadhri City, district Yamuna Nagar.

The petitioner is being prosecuted for having committed murder of Desh Raj as also for inflicting injuries on Chetan Kumar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case due to enmity between the petitioner's family and the complainant's family; there is no other criminal case pending against the petitioner; he is in custody since 14.04.2020; all material prosecution witnesses have since been examined in the petitioner's trial which include the alleged eye witness/complainant; only official prosecution

witnesses remain to be examined before the Trial Court; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, it is the complainant party which had come to the petitioner's father's shop/house to fight and, therefore, it is they who were the aggressors; in the attack by the complainant party the petitioner also received three injuries; the complainant/eye witness PW-3 Chetan Kumar while appearing before the Trial Court had not attributed any injury by the petitioner on the deceased; PW-3 Chetan Kumar has attributed only a simple injury by the petitioner on himself; contradicting PW-3 Chetan Kumar, PW-2 Harbhajan Lal who is the father of the deceased has attributed injuries by the petitioner on the deceased but such allegations are absolutely vague; the weapon allegedly used by the petitioner is an iron rod but the recovery from the petitioner is of a wooden stick which falsifies the prosecution case and that since 10 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that the petitioner was actively involved in the murder of Desh Raj as also in giving beatings to Chetan Kumar.

After considering the afore rival submissions of both the parties and having gone through the statements made by PW-2 Harbhajan Lal and PW-3 Chetan Kumar, this Court is of the opinion that the present case is a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Yamuna Nagar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

09.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No