

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

211

CRM-M-2447-2021

Date of Decision : April 19, 2022

KAMAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rakesh Nehra, Sr. Advocate assisted by
Mr. Atul Ravish, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.235 dated 5.6.2020 under Sections 148, 149, 302, 307, 323, 201, 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Purani Sabji Mandi, District Rohtak.

It has been submitted by the learned Sr. counsel for the petitioner that in the present case the petitioner is in custody from 5.6.2020 and the trial of the case is going at a very slow pace. He submitted that on the last date of hearing before the learned trial Court two prosecution witnesses have been examined-in-chief and their cross has been deferred because the Court time was over. He further submitted that the petitioner had no role to play in the present case and it was only on the basis of the disclosure statement that his name has been nominated

and considering the period of his custody, he may be granted the concession of regular bail.

On the other hand, the learned State counsel has submitted on instructions from ASI Ashok Kumar that it is correct that the petitioner is in custody from 5.6.2020 and the matter is fixed for prosecution evidence. He submitted that the long custody of the petitioner itself cannot become a ground for grant of bail to the petitioner in view of the seriousness of the facts and circumstance of the present case. The learned State counsel has submitted that even as per the FIR although the name of the petitioner was not mentioned but it has been stated so that there are other 4-5 boys who had committed the offence and while referring to the affidavit filed by the DSP, Rohtak, he submitted that the blood stained clothes were recovered from the petitioner which were concealed by him in a scooty bearing No. HR-12AE-6484 and the same was sent to the FSL and the report has also been received and blood stains on the cloths have been matched with the blood of the deceased. The learned State counsel further submitted that the petitioner was actively involved in the present offence and the material witnesses are yet to be examined and there is every likelihood that in case the petitioner is released on bail then he may influence the witnesses or may abscond from justice and, therefore, has opposed the grant of regular bail to the petitioner.

I have heard the learned counsels for the parties.

Although the petitioner is in custody from 5.6.2020 but as per the leaned counsel for the parties the matter is at the stage of

prosecution evidence and as per the learned Sr. counsel for the petitioner only two witnesses have been examined-in-chief only and the remaining are yet to be examined. The argument raised by the learned State counsel based upon the affidavit filed by the State that blood stained clothes were recovered from the petitioner and the same has been matched with the blood of the deceased is a fact which cannot be ignored. The apprehension expressed by the learned State counsel that in case the petitioner is released on bail then he may influence the witnesses or may abscond from justice also cannot be ignored in view of the facts and circumstance of the present case. The material witnesses have not been fully examined as yet.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

April 19, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No