

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

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CRM-M-3709-2022

Date of Decision : August 24, 2022

SAHIL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Mohit Rathee, Advocate for
Mr. Aman Pal, 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.154 dated 19.4.2021 under Sections 302, 34 IPC and 25 of Arms Act, 1959 (201, 341, 120-B IPC and Sections 27, 29 of Arms Act, 1959 added later on), registered at Police Station Rohtak Sadar, Rohtak.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 20.4.2021 which is about one year and four months. He submitted that the investigation of the case has been completed and thereafter challan was presented in the Court on 2.7.2021 and after the committal of the case charges have been framed on 23.3.2022 and about five months have elapsed no prosecution witness has been examined. He further submitted that it is a case which is completely based upon suspicion against the petitioner. He submitted that as

per the prosecution story, one lady, namely, Meena used to talk with the deceased Hari Om and the other co-accused, namely, Rahul who is the son of the aforesaid Meena alongwith the present petitioner and one more person had collectively killed Hari Om due to the aforesaid reason. He further submitted that at the most the role attributable in the present case was either to Meena or to aforesaid Rahul and also to other co-accused, namely, Sonu who has inflicted knife blow and so far as the present petitioner is concerned, there is no role attributable to him except that he had accompanied them. He further submitted that during the course of investigation, the police planted a country made pistol upon the petitioner and the petitioner is not involved in any other case. He submitted that now the investigation has been completed and no recovery is to be effected from the petitioner, therefore, he may be considered for the grant of regular bail. He further submitted that the aforesaid co-accused, namely, Meena has already been granted regular bail by this Court vide CRM-M-24558-2022 on 3.8.2022.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 20.4.2021 and the other co-accused, namely, Meena has been granted regular bail by this Court. He further submitted that it is also correct that the role attributable to the petitioner was that he was accompanying the other co-accused and there was recovery of a country made pistol from him.

I have heard the learned counsels for the parties.

The petitioner has faced incarceration for about 1 year and 4 months. The investigation of the case has been completed. As per the

learned counsel for the parties, no recovery is to be effected from the petitioner. Further-more as per the prosecution story the main role appears to be that of either Rahul or Meena or Sonu. The aforesaid Meena has already been granted bail by this Court. As per the learned counsel for the parties, the petitioner has clean antecedents and is not involved in any other case. 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.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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.

August 24, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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