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

CRM-M-5264-2022 (O&M)
Date of decision : 14.12.2022

Anil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.241 dated 30.07.2020 registered under Sections 302 and 34 of Indian Penal Code, 1860 at Police Station Indri, Karnal.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 09.07.2020 and investigation is complete and challan has been presented and there are 26 prosecution witnesses, out of which, 7 witnesses have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is contended that the petitioner was not named in the FIR which was got registered by Sohan Lal regarding the death of his brother Mohan Lal and in the said FIR, it was mentioned that one girl was repeatedly making calls from her mobile number to the mobile number of Sohan Lal-complainant and had disclosed that the deceased had come to her house at about 01:00 pm in the night hours and girl's brother i.e. co-accused Balram

had seen the said Mohan (deceased) and had caught hold of him and started giving him beatings and the deceased was taken away by her brother and his friend on his motorcycle. It is further contended that thus, the said girl who, as per the case of the prosecution, was Vedho, was star witness in the present case. It is argued that it was further the case of the prosecution that the second person who was there alongwith Balram (brother of said Vedho) was the present petitioner. The said Vedho has been examined as prosecution witness No.7 and she has stated that she does not know anything about the case and that her brother has been falsely implicated and has thus, not supported the case of the prosecution. It is further argued that other than the said Vedho, neither there is any eye-witness to the said occurrence, nor there are any mobile tower locations or phone call details between the petitioner or the deceased so as to link the petitioner with the alleged offence.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that there are phone calls details between the co-accused Balram and the present petitioner, at around the time when the alleged occurrence had taken place. However, the other facts, as stated by learned counsel for the petitioner, have not been disputed by him.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 09.07.2020 and investigation is complete and challan has been presented and out of 26 prosecution witnesses, 7 witnesses have been examined as yet and thus, the conclusion of trial is likely to take time and the petitioner is not involved in

any other case. The star witness, in the present case, was Vedho who, as per the statement of Sohan Lal, was the person who had informed him that her brother (co-accused Balram) and his friend (present petitioner) had caught the deceased who had come into her house and had taken the deceased with them. The said Vedho has been examined as prosecution witness No.7 and she has specifically stated that she does not know about the present case and that her brother Balram has been falsely implicated in the case and thus, has not supported the case of the prosecution.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

14.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**