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

**CRM-M-6844-2022 (O&M)
Date of Decision: 29.11.2022**

Amit @ Sehan

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryan

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 123 dated 19.07.2020, under Sections 302, 34 IPC and Section 25/54/59 of Arms Act, registered at Police Station Narwana City, District Jind, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 20.07.2020 which is more than 2 years and 4 months. He submitted that the material witness who is the complainant himself and the eye witness has already been examined. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and even as per the FIR it was a case of sudden fight which took place due to a dispute of cigarette box and therefore, the

provisions of Section 302 are not attracted in the present case. He further submitted that since the material witnesses have been examined and considering the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 20.07.2020 and he is not a habitual offender and is not involved in any other case. He has however opposed the grant of bail to the petitioner on the ground that it is a case where the deceased has been killed by way of motivated efforts since the petitioner alongwith the other persons had visited the deceased for giving a cigarette box about 15 days before the incident and it was due to this motive that thereafter they had come and killed the deceased.

I have heard the learned counsel for the parties.

It is a case where the petitioner has already faced incarceration for about 2 years and 4 months and the complainant who is the eye witness has already been examined. The petitioner is stated to be not a habitual offender and is not involved in any other case. So far as the argument raised by the learned counsel for the parties with regard to the motive is concerned, this Court does not wish to go into the merits of the aforesaid contention raised by the learned counsel for the parties since it is a matter of trial and this Court is only dealing with the prayer of the petitioner for grant of bail. 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 evidence or may flee from justice.

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In view of the long custody of the petitioner and the fact that the trial of the case may take long time, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.11.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No