

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

**CRM-M-6289 of 2022
Date of Decision:- 23.11.2022**

Sandeep @ Chiku

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Atul Lakhanpal Sr. Advocate with
Mr. Arvind Pal Singh, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.0444 dated 30.11.2022 registered under Section 364 IPC, 1860 (added later on 148, 149, 323, 120B, 302, 506 IPC Police Station Sadar Jind, District Jind.

The counsel for the petitioner has submitted that the petitioner was neither named in the FIR nor in the supplementary statement of PW Sahil and was later on nominated as an accused on the basis of DVD recording of the occurrence. The counsel for the

petitioner further submitted that the petitioner who is having no criminal antecedents is behind the bars for last more than 1 year and 10 months and no weapon or incriminating article was recovered from his possession by the police during the investigation. The counsel for the petitioner further submitted that complainant Maya and her husband Sanjay while appearing in the witness box have failed to support the case of prosecution and the copies of their depositions are placed on record. The counsel for the petitioner further submitted that the prosecution has failed to examine PW Sahil despite specific directions given by this Court. The counsel for the petitioner further submitted that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by detaining the petitioner in custody for any longer period.

The present petition is opposed by the State counsel, who has submitted that the petitioner is clearly visible in DVD recording which was produced before the police by PW Sahil who remains to be examined. However, the State counsel has not disputed the custody period of the petitioner and the fact that complainant-Maya while appearing in the witness box has retracted from her previous statement.

I have considered the submissions made by the counsel for the parties.

The FIR in this case was registered against eight persons with regard to murder of Deepak on the basis of statement of PW1

Maya, who and her husband Sanjay while appearing in the witness box have not supported the case of prosecution. Admittedly the petitioner was not named in the FIR. Eye-witness Sahil also made supplementary statement, Annexure R-3, dated 4.1.2021 but even in the said statement, the petitioner was not named. The only allegations against the petitioner are that he is visible in DVD recording which was produced by aforesaid Sahil before the police on 1.12.2020, after the registration of FIR. During investigation no incriminating article was recovered from the petitioner. The custody period of the petitioner who is having no criminal history comes out to be more than 1 year and 10 months and it will take considerable time for the trial to conclude as aforesaid Sahil still remains to be examined and as per the report submitted by the trial Court, the said Court failed to procure the presence of said witness despite making best efforts.

In light of the above, this Court is of the view that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

23.11.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No