

214
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7848-2021
Date of Decision: 28.04.2022

Ramraji

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldeep Sheoran, 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 the grant of regular bail to the petitioner in FIR No.78 dated 01.06.2018, under Sections 148, 149, 323, 302, 452 IPC (Sections 120-B, 216 IPC and Section 25 of Arms Act added later on), registered at Police Station Bass, District Hansi, Hisar.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 22.06.2018 which is more than 3 ½ years and it is a case where the petitioner was not named in the FIR and it was only on the basis of a supplementary statement made by the complainant namely Pooja who is wife of the deceased that the name of the petitioner was nominated. He further submitted that during the course of trial the aforesaid complainant was examined and she did not support the prosecution version

and her own complaint to the police and, therefore, she was declared hostile. He further submitted that the other material witness who is brother of the deceased had also deposed as PW4 and he also identified the other accused but did not mention anything with regard to the present petitioner. He further submitted that although the petitioner is involved in one other case in the same district but the FIR was registered after the present FIR and in that case also he has been falsely implicated. He further submitted that apart from the aforesaid case the petitioner is not involved in any other case. He further submitted that be that as it may the material witnesses have been examined and the wife of the complainant at whose instance the FIR was lodged and who suffered a supplementary statement against the petitioner and thereafter turned hostile has also been examined and the petitioner is facing incarceration for about 3 ½ years and, therefore, he may be considered for the grant of regular bail.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that the material witnesses have been examined including the complainant-wife of the deceased and brother of the deceased and that the complainant Pooja was declared hostile as she stated that she has never given such complaint to the police. He has however opposed the grant of bail on the ground that the petitioner is also involved in another case regarding which allegations against him were that he alongwith co-accused had killed another person on the same date but the FIR was lodged after a period of 12 days.

I have heard the learned counsel for the parties.

The petitioner is in custody from 22.06.2018 which is more than

3 ½ years. The material witnesses have been examined. The main material witness at whose instance the FIR was lodged and who is wife of the deceased was declared hostile and even as per the FIR the name of the petitioner was not mentioned but it was only on the supplementary statement of Pooja that the name of the petitioner was nominated and she was declared hostile. So far as the pendency of the other FIR against the petitioner is concerned, the same would not come into the way for deciding the present bail application in view of the fact that the same was lodged after the present FIR, although it was shown that the petitioner was involved in killing of the other person on the same date. Therefore, considering the long custody and totality and circumstances of the present case, this Court deems it fit and proper to grant 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.

28.04.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No