

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

220

CRM-M-7469-2022

Date of Decision : **April 29, 2022**

SANDEEP

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Chander Pal Tiwana, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, 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.189 dated 9.9.2021 under Sections 307, 323, 341, 506, 148, 149, 34 IPC and Sections 25 and 27 of Arms Act (Sections 148, 149 IPC and Section 27 of Arms Act were added lateron), registered at Police Station Titram, Distt. Kaithal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 28.11.2021 and the investigation of the case has been completed and thereafter all the material witnesses have been examined. He submitted that the material witnesses including the complainant, namely, Tarsem have not supported the prosecution version and they have been declared hostile. He further submitted that the present case was planted upon the petitioner only on the ground that he was earlier involved in some other cases and that was the reason as to

why the present case has been planted upon the petitioner. He submitted that out of the four other cases, the petitioner has been acquitted in two cases and in two other cases he is on bail. He further submitted that that even otherwise also a compromise has been effected between the complainant, namely, Tarsem and the accused persons including the petitioner vide Annexure P-3. He submitted that on 25.2.2022 this Court had directed the State to verify with regard to the authenticity of Annexure P-3. He further submitted that co-accused, namely, Amit Kumar has been granted bail by this Court vide Annexure P-4.

On the other hand, the learned State counsel has stated that so far as the authenticity of Annexure P-3, the same has been verified by ASI Sukhbir. He submitted that it is correct that the petitioner is in custody from 28.11.2021 and material witnesses have been examined including the complainant and all of them have turned hostile. He has, however, submitted that the compromise has got no value in cases pertaining to Section 307 IPC.

I have heard the learned counsels for the parties.

The petitioner is in custody from 28.11.2021 and the material witnesses have been examined but according to the learned counsel for the petitioner they have been turned hostile. There are four more cases against the petitioner out of the in two cases he has been acquitted and in the remaining two cases he is on bail. The other co-accused, namely, Amit Kumar although he was not at parity with the petitioner has been granted bail by this Court as well. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence

the remaining witnesses or may abscond flee from justice.

Therefore, considering the totality of the facts and circumstances of the present, this Court deems it fit and proper to grant bail to the petitioner.

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.

April 29, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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