

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11674-2022
Date of decision : 24.03.2022

Virender @ Binder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sankalp, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.132 dated 24.05.2021 registered under Sections 294, 427, 436, 506 IPC at Police Station Uklana, Hisar.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and the petitioner has been in custody since 03.06.2021 and out of 14 prosecution witnesses, 4 witnesses have been examined and thus, the trial is likely to take time moreso, in view of the present pandemic. He has further submitted that the complainant has given an affidavit dated 03.02.2022, to the effect that some unknown persons had set fire on his house. He has also submitted that the earlier bail application was withdrawn on 05.10.2021 and said affidavit has been given subsequently and as per instructions, even said complainant has

appeared in the witness box and has not supported the case of the prosecution. He has also stated that the petitioner is not involved in any other case.

Learned State counsel has opposed the present petition for regular bail and has submitted that in the present case the house of the complainant was set on fire and there were two bottles of petrol which were thrown into the house and as per the initial version given in the FIR, it was the petitioner who has been alleged to throw the said two bottles.

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

In the present case, admittedly, no injury has been caused to any person. Initially, although the complainant had named the petitioner as the person who had thrown the bottles of petrol into the house of the complainant on account of which, the house was caught on fire and on account of the said fact, regular bail was withdrawn on 05.10.2021, at that stage. Subsequent to the same, the petitioner has produced on record an affidavit of complainant Ravinder (Annexure P-2) wherein, he has stated that some unknown persons had set the house on fire and at that time, it was pitch dark and thus, the complainant could not identify him. It is the case of the petitioner that the said complainant has appeared in the witness box and has not supported the case of the prosecution. The petitioner has been in custody since 03.06.2021 and still 10 witnesses are to be examined and thus, the trial is likely to take time moroso, in view of the present pandemic and the petitioner is not involved in any other case. Subsequent fact with respect to the affidavit furnished by the complainant Ravinder and also, the further incarceration of more than 5 months since withdrawal of first bail

petition, entitles the petitioner to file a second regular bail petition.

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

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

March 24, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No