

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

SR. No.218

**CRM-M-14138-2022
Date of Decision:14.07.2022**

Amit @ Mitta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Kumar Dhankar, Advocate,
for the petitioner.

Mr. N.S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

Status report by way of affidavit of Deputy Superintendent of Police, Rohtak, has been filed on behalf of respondent-State in Court today, is taken on record.

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.538 dated 11.08.2017 under Sections 302/120-B, 34 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station City Rohtak.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.06.2019, which is more than 03 years. He further submitted that in fact the petitioner was not arrested at the spot and the trial commenced with regard to remaining two accused. As per the allegations, the petitioner and other co-accused namely Sanjeet and Ashok @ Hootar came on a motorcycle and co-accused had fired upon the victim. He further submitted that during the trial of the remaining co-accused, all the material witnesses turned hostile and therefore, the co-accused were acquitted by the learned trial Court vide Annexure P-3. He has also submitted that so far as the present petitioner is concerned, he is in custody for the last more than 03 years and no useful purpose would be served by keeping the petitioner behind the bars.

On the other hand, Mr. N.S. Panwar, DAG, Haryana, has submitted that it is correct that the petitioner is in custody for the last more than 03 years. Other co-accused have been acquitted by the learned trial

court by giving the benefit of doubt and all the material witnesses have turned hostile and denied the incident. However, he opposed the present petition keeping in view the facts and circumstances of the case.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner is in custody for the last more than 03 years. At the time of trial of co-accused, all the material witnesses had turned hostile and other co-accused have been acquitted by the learned trial court. It is submitted by the learned counsel for the parties that name of the petitioner was added on the basis of disclosure statement. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness. Therefore, considering the aforesaid facts and circumstances, the petitioner is entitled for grant of regular bail.

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.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO