

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15360-2022
Date of Decision: 17.05.2022

Bhupender Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Sharma, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is the fourth petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.309 dated 27.08.2012, under Sections 148, 149, 302, 506 IPC, registered at Police Station Nissing, District Karnal.

The 3rd bail petition was dismissed on 03.08.2021 vide Annexure P-2 wherein the State had submitted that the prosecution witnesses have already been concluded and the matter is now fixed for defence evidence.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 30.08.2012 which is about 9½ years and has submitted that the petitioner has got clean antecedents and is not involved in any other case. He further submitted that the prosecution took 9 years for leading evidence with a result that the petitioner has faced incarceration for about 9½ years and, therefore, he may be considered for the grant of regular bail.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for the last 9½ years and the petitioner has got clean antecedents and he is not involved in any other case.

I have heard the learned counsel for the parties.

Although it is a 4th successive bail application but at the same time this Court cannot ignore the long custody of the petitioner which is stated to be 9 ½ years, even if the case is fixed for defence evidence but the petitioner who is not involved in any other case and as per the learned counsel for the parties, he has got clean antecedents would certainly deserve the grant of regular bail only on the ground of such a long custody of 9 ½ years. It is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may abscond.

Therefore, considering the aforesaid facts and circumstances especially the long custody of 9 ½ years of the petitioner, 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.

17.05.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No