

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20616-2021 (O&M)

Date of Decision: 20.09.2022

Ajay @ Chhotu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Monika Jangra, 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. 288 dated 05.08.2019, under Sections 302, 404, 449 IPC, registered at Police Station Beri, District Jhajjar, Haryana.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 10.08.2019 which is more than 3 years and out of 19 witnesses 9 have already been examined including the complainant and the material witnesses. She submitted that the allegations against the petitioner in the FIR are totally based upon suspicion and with regard to his relationship with the deceased. She further submitted that the entire case is based upon circumstantial evidence and the material witnesses have already been examined including the complainant and the petitioner is not involved

in any other case and therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for more than 3 years and 9 witnesses including all the material witnesses have already been examined including the complainant. He submitted that however there is one more case against the petitioner which is under the Jail Act but there is no other case except for the aforesaid case against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 3 years. The material witnesses have already been examined including the complainant. The petitioner is not involved in any other case except one case under the Jail Act. As per the learned counsel for the parties, no recovery is to be effected from the petitioner and the trial of the case may take long time. Furthermore, 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 tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances especially considering the long custody of the petitioner, this Court deems it fit and proper to grant regular 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.

20.09.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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