

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19315-2022
Date of Decision: 27.07.2022

Subhash @ Kalu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Chawla, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 349 dated 16.07.2020, under Sections 302/34 IPC, registered at Police Station Azad Nagar, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 18.07.2020 which is more than 2 years and 14 witnesses have been examined in the present case and only 5 witnesses are remaining. He further submitted that all the material witnesses who have been examined have not supported the prosecution version. He further submitted that it is a case which is purely based on circumstantial evidence and there is no eye witness in the present case and the entire story of the prosecution vests on last seen theory. He further submitted that the only witness according to whom the petitioner was seen last with the deceased was Pawan and while deposing at the time of trial, he also did not support the prosecution version. He

further submitted that in view of the aforesaid position and considering the custody of the petitioner, he 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 from 18.07.2020 which is more than 2 years and 14 witnesses have already been examined.

I have heard the learned counsel for the parties.

The custody of the petitioner is more than 2 years. The material witnesses have already been examined. As per the learned counsel for the parties, one of the material witnesses namely Pawan according to whom the petitioner was seen last with the deceased has not supported the prosecution version. The entire case is based upon circumstantial evidence and as per the learned counsel for the parties, the petitioner is not involved in any other case.

In view of the aforesaid position and considering the custody of the petitioner, this Court is of the view that the petitioner is entitled for the 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.

27.07.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No