

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-19782 of 2022
Date of Decision:11.10.2022

Ajay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Chander Pal Tiwana, 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.189 dated 09.09.2021, under Sections 307, 323, 341, 506, 148, 149, 34 IPC and Sections 25 and 27 of the Arms Act, 1959 (Sections 148 and 149 IPC and Section 27 of the Arms Act, 1959 added later), registered at Police Station Titram, District Kaithal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 24.09.2021 and the investigation of the case has already been completed and trial has also commenced in which 9 prosecution witnesses including all the material witnesses out of cited 23 prosecution witnesses

have been examined. He submitted that it is a case where the other co-accused namely Jora Singh and Sandeep have been granted bail by this Court. He has submitted that during the course of evidence the material witnesses including the complainant and the injured have not supported the prosecution version and have been declared hostile. He further submitted that apart from the same even a compromise has been arrived at between the accused persons and the complainant vide Annexure P-2. He further submitted that the allegations against the petitioner were false and the injured and the complainant have therefore not supported the prosecution version. Learned counsel has submitted that although two criminal cases stand registered against the petitioner, out of which in one case he has been acquitted and in another case the allegation was with regard to the simple injuries.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody for the last about one year, i.e. 24.09.2021 and 9 prosecution witnesses out of 23 prosecution witnesses have been examined and it is also correct that the material witnesses including the complainant and the injured have not supported the prosecution version and they have been declared as hostile. He further submitted that the other co-accused namely Jora Singh and Sandeep have been granted bail by this Court. He has however opposed the grant of bail to the petitioner on the ground that so far as the present petitioner is concerned, the role attributable was giving an injury by way of a firearm on the elbow of the injured. He further submitted that in fact the petitioner is involved in three more cases.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than one year and as

per the learned counsel for the parties the material witnesses which included the complainant and the injured have not supported the prosecution version at the time of trial. The mere fact that the petitioner is also involved in 2-3 more cases as stated by learned counsel for the petitioner, would not disentitle the petitioner for grant of regular bail on this ground alone. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice.

In view of the aforesaid fact and circumstances, 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 only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

October 11, 2022
dinesh

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