

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-19978 of 2022
Date of Decision:17.11.2022

Arun @ Renu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Kumar Taya, Advocate, for
Mr. Rajesh Malik, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, 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.358 dated 31.08.2020, under Sections 323, 34, 341 IPC (with Sections 302, 325 and 120-B IPC added later), registered at Police Station Indri, District Karnal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 03.06.2021 which is more than one year and five months. He submitted that the charges in the present case were framed on 19.10.2021, which is more than one year, but till date no prosecution witness has been examined and on 07.11.2022 bailable warrants have been issued to some of

the prosecution witnesses. Learned counsel submitted that the petitioner is not a habitual offender and is not involved in any other case. He has further submitted that it is a case where so far as the present petitioner is concerned, the role attributed to him was only under Section 120-B IPC and as per the prosecution the petitioner had made a phone call to one co-accused namely Ankit and informed him that the deceased has left on a particular motorcycle. Learned counsel submitted that the entire case is based on suspicion and even otherwise also it is debatable as to whether the offence under Section 302 IPC was made out against the petitioner even against the other co-accused as well as it was in fact a case of a road-side accident. He further submitted that be that as it may, he has already faced incarceration for about one year and five months and even as per the prosecution, there was limited role attributable to the petitioner as aforesaid and he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Addl. Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 03.06.2021, which is almost one year and five months and he is not a habitual offender and is not involved in any other case. He further referred to the affidavit filed by the State and submitted that so far as the role attributable to the petitioner was that he had informed the other co-accused namely Ankit with regard to the leaving of the deceased from a particular place on a particular motorcycle.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from the last one year and five months and the charges have been framed one year ago but no prosecution witness has been examined till date and as per the learned counsel for the petitioner even bailable warrants have been issued against some of the prosecution witnesses.

Even as per the prosecution, the role of the petitioner was with regard to allegation that he had infomed one Ankit but as per the learned counsel for the parties, there was only one call between them and there is no recording of any such call. Apart from the above, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid position, 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 expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 17, 2022

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