

Parveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Jaivir Yadav, Senior Advocate with
Mr. Tarun Yadav & Mr. Ashwani Gaur, Advocates for the
petitioner.

Mr. N.S.Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.223 dated 05.07.2021, under Section 302 IPC (Section 25 of the Arms Act has been added during investigation), registered at Police Station Civil Line, Sonapat.

Learned Senior counsel for the petitioner has submitted that the petitioner is in custody from 08.07.2021 which is more than one year and in the present case about 07 prosecution witnesses including the complainant have already been examined. He submitted that as per the allegations, the entire prosecution story is based upon the statement made by Ravinder @ Kala, who is the brother of the petitioner, by alleging that the petitioner has killed his own wife by stabbing and that he had seen the incident but when he deposed before the learned trial Court as PW1, he has not supported the prosecution version and rather stated that he saw some unknown person who sustained injuries on the deceased person but the petitioner did not cause any injury to the deceased. The said witness thereafter has been declared as

hostile. Learned counsel for the petitioner further submitted that be that as it may, now all the material witnesses have already been examined and the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel, on instructions, has stated that the petitioner is in custody from 08.07.2021 and seven prosecution witnesses including the complainant have already been examined and vide Annexure P-2, the complainant, on the basis of whose information, the FIR was registered, has not supported the prosecution version. He has also stated that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

The petitioner is in custody for more than one year. Seven prosecution witnesses have already been examined and the petitioner is stated to be not involved in any other case. The entire prosecution story rests upon the eye witness, who is the complainant himself and is the brother of the petitioner but he has not supported the prosecution version during the trial. Apart from the same, it is not the case of the State that in case the petitioner is released on bail then he may abscond and may influence the witnesses especially considering the fact that the seven prosecution witnesses including the complainant have already been examined.

In view of the aforesaid aforesaid facts and circumstances, this Court deems it fit to grant the concession of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the

satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

23.09.2022

mamta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No