

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.24831 of 2021

Date of Decision:12.10.2022

Suraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a second bail petition that has been filed for grant of regular bail to the petitioner in FIR No.119 dated 14.03.2019 under Sections 120-B, 148, 149, 302, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Rai, District Sonipat.

Learned counsel appearing on behalf of the petitioner would contend that initially Crl. Misc. Petition No.47260 of 2019 had been filed seeking regular bail, which was dismissed by this Court vide order dated 15.09.2020 primarily on the ground that challan stood presented, however, charges had not been framed. He would argue that as on date after framing of the charges, material witnesses have been examined and none of them have supported the case of the prosecution as made out. He would also argue that though in FIR that was got registered by the brother of the deceased-Narinder, it had been categorically averred that the petitioner Suraj had fired upon the said deceased, however, the investigation and the

status report are to the contrary. He would also submit that he has been in custody since 21.03.2019 and as on date, out of 81 witnesses, 19 witnesses stand examined and therefore, the petitioner would be entitled for concession of regular bail as the trial is likely to take some time to conclude.

Learned counsel appearing on behalf of the respondent-State would oppose the prayer as sought by the counsel appearing for the petitioner by contending that the petitioner was nominated as an accused in the FIR in question under various Sections including Section 302 IPC.

I have heard learned counsel for the parties and have perused the statements of the material witnesses, who have not supported the case of the prosecution. Be that as it may, without giving any opinion on merits of the case, considering the fact that the petitioner has already undergone the custody of more than 2 ½ years and material witnesses have been examined, who have not supported the case of prosecution, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond of Rs.2 lakhs each to the satisfaction of concerned trial Court/Duty Magistrate.

October 12, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No