

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

212

CRM-M-24453-2022

Date of Decision : July 04, 2022

SUNNY

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rajnikant Upadhyay, 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 grant of regular bail to the petitioner in case FIR No.427 dated 11.11.2019 under Sections 302, 34 IPC, registered at Police Station Kundli, Sonapat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 11.11.2019 which is almost 2 years and 7 months. He submitted that the petitioner has been falsely implicated in the present case on the basis of hearsay statement made by the complainant. He further made a submission that the entire case is based upon circumstantial evidence and during the course of the trial the complainant i.e. Pawan Kumar has resiled from his statement given to the police and has specifically stated that he has not given any complaint to the police and, therefore, he has been declared hostile. He submitted that all the material witnesses have been examined and only

official witnesses are left and the material witnesses who have been examined have been declared hostile since they did not support the prosecution version. He further submitted that the petitioner is not involved in any other case and the other similarly situated co-accused, namely, Deepanshu Rana @ Chintu has been granted regular bail vide CRM-M-46589-2021 (Annexure P-6).

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody for almost 2 years and 7 months and is not involved in any other case. He submitted that it is also correct that the material witnesses have been examined including the complainant and the other co-accused, namely, Deepanshu Rana @ Chintu has been granted regular bail by this Court. He further submitted that there was a recovery of blood stained brick from the petitioner.

I have heard the learned counsels for the parties.

The petitioner is in custody for about 2 years and 7 months and as per the learned counsel for the parties the petitioner is not involved in any other case. As per both the learned counsels for the parties, the material witnesses in the present case have been examined and they have turned hostile. The other similarly situated co-accused, namely, Deepanshu Rana @ Chintu has been granted regular bail by this Court vide Annexure P-6. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances of the present case, the present petition is allowed. The petitioner is

ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

July 04, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No