

227

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

**CRM-M-25643-2022
Date of Decision: 05.07.2022**

Rohit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Kumar, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., 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 bearing FIR No.464 dated 18.07.2021, under Sections 365 of the IPC and later on Sections 302 & 34 of the IPC and Section 3(2)(v) of the S.C. & S.T. Act were added registered at Police Station City Rohtak, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 20.07.2021 which is about one year and the investigation of the case has been completed and thereafter challan has also been presented before the competent Court. He also submitted that as per the allegations, the deceased boy was called by another co-accused, namely, Mota Sumit, who was his neighbour and they had gone to the canal and

thereafter, an Activa Scooter on which they were riding was found from the canal and after two days the body of the deceased, namely, Shashank was also found. He further submitted that the name of the petitioner has not been mentioned in the FIR nor there was any allegation and it was only an after thought that the name of the petitioner has been nominated without any basis. He also submitted that the petitioner was not even present at the spot when the deceased drowned. The petitioner has got clean antecedents and is not involved in any other case and was falsely implicated in the present case. He further submitted that the trial may take long time to conclude and the investigation of the case is complete and no useful purpose will be served in case the petitioner is further kept in custody and therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody since 20.07.2021 and after the completion of investigation, the challan has been presented before the competent Court. He further submitted that on the basis of confessional statement of the co-accused, namely, Mota Sumit, the name of the petitioner has been nominated.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner has faced incarceration for about one year and the investigation of the case has been completed. No recovery is to be effected from the petitioner. The petitioner is not involved in any other case, as per the learned counsel for the parties. The trial of the case may take long time to conclude and it is not

the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, in view of the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

05.07.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |