

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24877-2022

Date of Decision: 05.08.2022

Surender @ Sonu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Choudhary Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, 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. 70 dated 05.03.2019, under Sections 302, 201, 34 IPC, registered at Police Station Narnaund, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 06.06.2019 which is about 3 years and 2 months and has submitted that all the material witnesses in the present case have been examined. He further submitted that even as per the prosecution story the dead body was found on the road and the entire case is based upon circumstantial evidence. He further submitted that so far as the petitioner is concerned, his name has been nominated on the basis of disclosure statement made by another co-accused while he was taken into custody in some other case and considering the long custody of the petitioner and the fact that the entire case is based upon circumstantial

evidence, the petitioner may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 06.06.2019 and the petitioner is not involved in any other case and all the material witnesses have been examined.

I have heard the learned counsel for the parties.

The petitioner is in custody from 06.06.2019 and as per the learned counsel for the parties all the material witnesses have been examined. As per the prosecution story, the entire case appears to be based upon circumstantial evidence. Otherwise also the petitioner has suffered incarceration for more than 3 years and the petitioner is not involved in any other case.

Therefore, considering the aforesaid facts and circumstances especially the custody of the petitioner, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, 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 expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.08.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No