

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+205)

CRM-38887-2022 in/and

CRM-M-25253-2022

Date of Decision : November 15, 2022

Kapil

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Yadav, Advocate, for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-38887-2022

Present application has been filed for placing on record the copy of evidence of PW-1 to PW-5 as Annexures P-6 to P-10.

Keeping in view the facts mentioned in the application, the same is allowed and Annexures P-6 to P-10 are permitted to be taken on record.

CRM-M-25253-2022

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.21 dated 11.01.2019 registered under Sections 323, 506, 34 of the Indian Penal Code, 1860 (Sections 325, 307 and 302 of the IPC added later on) at Police Station

Sampla, District Rohtak, Haryana.

Learned counsel for the petitioner argues that the petitioner has wrongly been involved in the present case by the complainant whose son namely Rohit lost life. Learned counsel for the petitioner submits that the only allegations against the petitioner are that the petitioner had gone to the house of the victim and the victim came along with them but there is no evidence, which has come on record that the petitioner has acted in a manner which has resulted in the death of the victim. Learned counsel for the petitioner further submits that the petitioner is behind the bars for the last three years and eleven months and keeping in view the fact that the complainant as well as other material witnesses have already been examined but as out of 23 cited witnesses, 20 witnesses are still to be examined, hence, the trial is likely to take some time before it concludes therefore, keeping in view the custody already undergone coupled with the fact that the material witnesses have already been examined, the petitioner may kindly be extended the concession of regular bail.

Notice of motion.

Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the fact that the petitioner is behind the bars for the last three years and eleven months as well as the fact that complainant and other material witnesses have already been examined. Learned counsel for the respondent-state also concedes the fact that only three witnesses have been examined so far, out of total 23 cited.

Learned counsel for the respondent-State also concedes the fact that the complainant in his testimony has accepted a fact that he was not an eye witness.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is behind bars for the last three years and eleven months and the complainant has already been examined and even as of now, out of total 23 cited witnesses, 20 are yet to be examined, hence, the trial is likely to take some time before it concludes coupled with the fact that the allegations alleged against the petitioner are yet to be proved on record, the petitioner has made out a case for the grant of regular bail especially when the petitioner has undertaken before this Court not to influence the trial or the witnesses in any manner, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 15, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No