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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25593-2022 (O&M)

Date of Decision: 08.08.2022

Sumit

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.D. Khan, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0260 dated 22.07.2020, under Sections 307 and 34 IPC and Section 25 of Arms Act, registered at Police Station Hodal, District Palwal.

It has been submitted by the learned counsel for the petitioner that this is a third bail petition filed by the petitioner and the second bail petition was withdrawn on 13.10.2021 since the injured was not examined at that stage. He further submitted that thereafter the other co-accused namely Bhagat Singh @ Vipin who was the main accused has since been released on bail by the learned trial Court and the charges were framed on 06.04.2021 and it is about 1 year and 4 months and still the injured has not been examined for the reason best known to the prosecution and this itself

cannot become a ground for denial of bail to the petitioner. He further submitted that be that as it may, no recovery is to be effected from the petitioner and one eye witness has already been examined. He further submitted that in view of the aforesaid facts and circumstances, he may be considered for the grant of regular bail since the trial of the case may take long time.

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 19.10.2020 and one eye witness has been examined. He further submitted that it is also correct that the other co-accused namely Bhagat Singh @ Vipin has already been enlarged on bail. He has however opposed the grant of bail to the petitioner on the ground that the injured has not been examined till date.

I have heard the learned counsel for the parties.

The petitioner is in custody from 19.10.2020. The charges were framed on 06.04.2021. Although this is a successive bail petition and the earlier was withdrawn by the petitioner on 13.10.2021 on the ground that the injured has not been examined but there is nothing coming forth from the learned State counsel as to why the injured has not been examined after expiry of such a long time and therefore, it itself cannot now become a ground for denial of bail to the petitioner. One eye witness has already been examined in the present case and the co-accused has been granted bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness.

Therefore, considering the aforesaid facts and circumstances, 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.

08.08.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No