

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29041-2021
Date of Decision: 29.04.2022

Gourav

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Singh Jattan, 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.235 dated 15.06.2020, under Sections 302 IPC, registered at Police Station Ambala Sadar, District Ambala.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 22.06.2020 which is almost 1 year and 10 months. He further submitted that it is a case based upon circumstantial evidence initially and thereafter on the basis of alleged extra judicial confession made by the petitioner to one Sunil. He further submitted that the aforesaid Sunil has been examined and apart from the same even the complainant and all the material witnesses have been examined. He further submitted that the petitioner is not involved in any other case and the

allegations against the petitioner were that he had pushed the deceased in the river but the entire evidence is based upon circumstantial evidence. He further submitted that further allegations were that the deceased had a bad eye on the sister of the petitioner and that was the reason for killing the deceased. He further submitted that be that as it may the material witnesses have been examined and, therefore, the petitioner may be considered for the grant of regular bail keeping in view of his custody.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and all the material witnesses have been examined. He further submitted that it is also correct that the petitioner is not involved in any other case and the case was based upon either circumstantial evidence or on the basis of an extra judicial confession. He has however opposed the grant of bail on the ground that the death has been caused and, therefore, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The petitioner is in custody from 22.06.2020 which is almost 1 year and 10 months and all the material witnesses have been examined. The petitioner is not involved in any other case as per the learned counsel for the parties and as per the allegations the name of the petitioner was nominated on the basis of extra judicial confession made by him towards Sunil. During the course of arguments the learned counsel for the petitioner has also pointed out that there are material discrepancies in the statement of the aforesaid Sunil before whom allegedly the confessional statement was made.

The trial of the case would take long time and 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 evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

29.04.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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