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

**CRM-M-26666-2022
Date of Decision: 24.08.2022**

Jatin alias Nato

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.729 dated 16.11.2020, under Sections 323, 506 & 34 IPC and Sections 324, 307 IPC (added later on), registered at Police Station Palla District Faridabad.

It has been submitted by learned counsel for the petitioner that earlier the petitioner had filed a petition for grant of regular bail before this Court in CRM-M-19187-2021, which was dismissed on 24.05.2021 as at that point of time, none of the prosecution witness was examined. He further submitted that now after a period of more than one year and two months there is a change of circumstances since the injured and complainant and other material witnesses have been examined, and therefore, the successive

bail application is maintainable.

Learned counsel for the petitioner has further submitted that it is a case where no role was attributed to the petitioner. However, the prosecution has alleged that the injury was caused by knife in the stomach as well as in the chest which was attributed to the petitioner. He further submitted that the petitioner is in custody since 19.12.2020, which is about one year and nine months and all the material witnesses including the complainant and the injured have already been examined. He also submitted that the petitioner is not involved in any other case and therefore, he may be considered for the grant of regular bail in view of the aforesaid facts and circumstance.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 19.12.2020, which is about one year and nine months and all the material witnesses have been examined. He further submitted that the petitioner is not involved in any other case and no recovery is to be effected from him.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about one year and nine months and no recovery is to be effected from the petitioner. As per the learned counsel for the parties, all the material witnesses have been examined. The successive bail application filed by the petitioner would be certainly maintainable in view of the changed circumstances that thereafter, the witnesses have now been examined. The trial of the case may take long time. Apart from the same, 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 any witness. Therefore, in view of the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail.

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.

24.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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