

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29995-2021 (O&M)

Date of Decision: 16.11.2022

Vikas

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

CRM-43602-2022

Allowed as prayed for and documents Annexures A-2 to A-6
are taken on record subject to all just exceptions.

Main case

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.199 dated 14.8.2019 registered for the offences punishable under Sections 302 IPC (Sections 216, 404, 120-B, 34 IPC and Section 25 of Arms Act added later on) at Police Station Narwana Sadar, District Jind.

Counsel for the petitioner submits that the petitioner was not named in the FIR and was later on, named as accused and was arrested on 20.8.2019 and is in custody for the last more than 3 years and is having no criminal history. He further submits that during the investigation, the police

He further submits that the entire case was based on circumstantial evidence and during the trial, complainant-Rohit and other material witnesses namely PW4-Pardeep and PW5-Sandeep have not stated anything against the present petitioner. He further submits that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is contested by the State counsel who on instructions from ASI Kuldeep Singh submits that the present case is relating to murder of Munish and Jaswant and the petitioner was named as accused on the basis of the supplementary statement of complainant-Rohit and thereafter, the petitioner was arrested and while in custody, the petitioner suffered disclosure statement (Annexure P-7) wherein he admitted his presence at the place of occurrence and he was armed with screw driver. However, State counsel has not disputed the custody period of the petitioner and the fact that while appearing in the witness box, complainant-Rohit was declared hostile and even PW4-Pardeep and PW5-Sandeep also did not state anything adverse in their testimony against the petitioner.

I have considered the submissions made by the counsel for the parties.

As has been stated by the State counsel, the petitioner was named as accused on the basis of the supplementary statement (Annexure P-5) of complainant-Rohit. As per prosecution version, the petitioner while in police custody, suffered disclosure statement (Annexure P-7) and even as per said disclosure statement, no fatal injury was caused by the petitioner to deceased Manish and Jaswant with screw driver. Custody certificate

the petitioner comes out to be 3 years and is not involved in any other criminal case. As per State counsel, one screw driver was recovered at the instance of the petitioner during the investigation of the case. Admittedly, now the trial is going on and as per Annexure A-4, complainant-Rohit failed to support the case of the prosecution and was declared hostile. Even PW4-Pardeep and PW5-Sandeep had not stated anything against the petitioner while appearing in the witness box as is evident from Annexures A-5 and A-6. In all, there are 41 prosecution witnesses, out of which, till date, only 5 are examined. It will take considerable time for the trial to conclude. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 16, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No