

CRM-M-27304-2022

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

CRM-M-27304-2022

Date of decision: 16.08.2022

Bhup Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rahul Sidher, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.63 dated 15.03.2020, registered at Police Station Uklana, District Hisar, under Sections 147, 149, 323, 325, 342, 367, 427 and 506 IPC and Sections 109, 148 and 302 IPC (added subsequently).

Reply dated 16.08.2022, by way of affidavit of the Deputy Superintendent of Police, Barwala, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that Sombir, owner of the barber shop where the alleged occurrence took place, and Anwar Ali, a worker in the said shop, while appearing before the trial Court as PW 1 and PW 2, have not supported the prosecution version and turned hostile; that Amit Kumar, brother of the deceased, while appearing before the trial Court as PW 3, has not attributed any specific injury to the petitioner and rather, he is not an eye-witness to the alleged occurrence; that PW 4

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Darshan Singh, is also not an eye-witness to the alleged occurrence. Learned counsel further contends that injuries on the person of the complainant (since deceased), were on his non-vital parts. Moreover, author of the FIR, namely, Anil @ Baba had expired after 05 days of the alleged occurrence. The petitioner has been in custody since 20.07.2020. Moreover, co-accused, namely, Virender has since been granted the concession of regular bail by this Court, vide order dated 22.04.2022 passed in CRM-M-13899-2021.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime and one Ritz Car bearing Registration No.HR 79-3084 had been recovered from the petitioner. However, he does not dispute the fact that two eye-witnesses, namely, Sombir and Anwar Ali, while appearing before the trial Court as PW 1 and PW 2, have not supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.07.2020. Two eye-witnesses i.e. PW 1 Sombir and PW 2 Anwar Ali have not supported the prosecution version. Even PW 3 Amit Kumar, brother of the deceased, who is also not an eye-witness to the alleged occurrence, had not attributed any specific injury to the petitioner. All the injuries on the person of the deceased were on his non-vital parts. Out of 38 prosecution witnesses, 09 witnesses have been examined till now. Trial of the case would take time to conclude. As stated above, co-accused, namely, Virender has since been granted the concession of regular bail by this Court. Therefore, no useful

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purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No