

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

228

CRM-M-29079-2022

Date of Decision : **July 14, 2022**

RAJU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Ms. Savita Rana, 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 grant of regular bail to the petitioner in case FIR No.976 dated 2.12.2019 under Sections 120-B, 302, 34 IPC, registered at Police Station Karnal City, Distt. Karnal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 2.12.2019 which is almost 2 years and 7 months and the material witnesses have been examined. She submitted that the complainant who is the husband of the deceased has been examined as PW2 and he has not supported the prosecution version and has rather deposed that when he went to the Police Station then the police had taken his signatures on blank papers and thereafter he was declared as hostile. She further submitted that six witnesses have already been examined and the petitioner is the brother of the deceased and infact the deceased had committed the suicide by way of hanging which has been given the colour of strangulation by the police. She submitted that all the material witnesses have been examined and the petitioner has suffered incarceration for more than 2½ years and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has stated that it is correct that the petitioner is in custody from 2.12.2019 which is about 2 years and 7 months and the complainant who is also the husband of the deceased has not supported the prosecution case and has been declared hostile.

I have heard the learned counsels for the parties.

It is a case where the petitioner has already suffered incarceration for 2 years and 7 months and the material witnesses have already been examined including the complainant who has not supported the prosecution version. Apart from the same, 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 with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances in the present case especially the custody of the petitioner and the fact that the material witnesses have been examined, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

July 14, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No