

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.30793 of 2022
Date of Decision: 22.08.2022

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, 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 bearing No.46 dated 20.07.2019, under Section 346 and later on added Sections 302, 201, 120-B read with Section 34 IPC, registered at Police Station Industrial Sector-29, Panipat.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 07.06.2022. He further submitted that when the FIR was registered, it was based on the missing report of the husband of the complainant and thereafter, after a period of about two years, his skeleton was found. It was only on the basis of suspicion that the name of the petitioner was nominated in the present FIR. He further submitted that after the investigation was conducted, the police found that the petitioner was not guilty and was rather exonerated at the time when the challan was presented. The name of the petitioner was kept in column No.2 because he was exonerated by the police. Thereafter, an application was moved by the

prosecution under Section 319 of the Code of Criminal Procedure for summoning the petitioner as an additional accused and consequently, the petitioner was summoned. Thereafter, the petitioner himself appeared and surrendered before the Court. He was taken into custody and thereafter, the bail application was filed before the learned Sessions Court which was dismissed. He submitted that it was the case where the entire prosecution story was based on the circumstantial evidence and considering the aforesaid circumstances, the petitioner may be considered for grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that earlier the petitioner was exonerated by the police during the course of investigation and he was summoned only as additional accused under Section 319 of the Code of Criminal Procedure.

I have heard learned counsel for the parties.

Both the learned counsel for the parties have submitted that the petitioner is in custody from 07.06.2022 and earlier the petitioner was exonerated at the time of investigation and was kept in column No.2 while presentation of challan and he was summoned under Section 319 of the Code of Criminal Procedure. As per the learned counsel for the parties, no recovery is to be effected from the petitioner. The trial of the case may take long time and it is not the case of the State that in case, the petitioner is released on bail he may repeat the offence and may abscond from justice.

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

Magistrate.

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

22.08.2022
manju

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No