

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

CRM-M-28608-2020 (O&M)

Date of decision: 20.01.2022

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1204 dated 18.12.2018, registered under Sections 201, 346, 304, 34 of the IPC at Police Station Central Faridabad, District Faridabad.

The first petition, bearing CRM-M-1460-2020, was dismissed as withdrawn on 21.01.2020.

Learned counsel for the petitioner submits that the present petition has been filed in view of changed circumstances as a period of more than two years has lapsed when the first petition was dismissed as withdrawn and all the material witnesses have already been examined by the trial Court.

Learned counsel for the petitioner relies upon order dated 12.12.2019 passed in CRM-M-39005-2019, vide which co-accused Sukhvinder has been granted the concession of regular bail by this Court.

The operative part of the order reads as under:

“Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He has been arraigned as an accused as the deceased had made a call from the mobile of the petitioner to his wife that he is with the brother of the petitioner, namely, Bijender. He also contends that the deceased after consuming liquor had fallen from the roof of the petitioner's house. The petitioner and co-accused Bijender had taken him to private hospital, namely, Shanti Devi Memorial Hospital from where he was referred to some other hospital but on his way to the hospital, he expired. He also contends that the petitioner is in custody for about one year and the complainant has been examined, who has not named the petitioner as responsible for the death of the deceased. The complainant has referred to two other co-accused, who were responsible for the death of his brother.

Learned State counsel, upon instructions from ASI Sunil Kumar, states that 08 out of 24 prosecution witnesses have been examined. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is in custody for about one year and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.”

Learned counsel for the petitioner further submits that as on today, 11 prosecution witnesses have already been examined and there is no possibility for the petitioner to tamper with any prosecution evidence and the case of the petitioner is at par with aforesaid co-accused, who has

already been granted the concession of regular bail.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last more than three years and he is a first offender.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 03 years and 18 days and he is not involved in any other case. It is also not disputed that 11 prosecution witnesses have already been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

20.01.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*