

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

245

CRM-M-31297-2022 (O&M)

Date of Decision: 06.12.2022

SANDEEP PUNIA @ BAGRI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tarun Seth, Advocate for the petitioner.

Mr. Gurbir S. Dhillon, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.809 dated 11.11.2018, registered at Police Station Sadar Bahadurgarh, District Jhajjar, under Sections 302, 216, 120-B and 34 IPC and Section 25 of the Arms Act (Section 29 of the Arms Act removed while framing of the charges).

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the only allegation against the petitioner is that, he had provided shelter and money to the co-accused and that the petitioner has been in custody since 07.01.2022. He further submits that complainant and eye-witness (wife of the deceased), namely, Deepak and Mukesh Devi, while appearing as prosecution witnesses before the Court below, have not supported the prosecution version and turned hostile.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that there are specific

allegations against the petitioner of proving shelter and money to co-accused, namely, Ajay and that Ajay in his disclosure statement recorded on 06.01.2022 has specifically stated the role attributed to the petitioner. He further submits that there are three more FIRs registered and/or pending against the petitioner, though he is on bail in the said cases.

I have heard the learned counsel for the parties.

The present FIR was registered on 11.11.2018 and co-accused, namely, Ajay was arrested on 06.01.2022. The petitioner was indicted on the basis of the disclosure statement of Ajay. As per the learned counsel for the petitioner, the only allegation against the petitioner is that he had provided shelter and money to the co-accused. The petitioner has been in custody since 07.01.2022. As far as other cases registered against the petitioner is concerned, he is on bail in the said cases. The complainant and the eye-witness have not supported the prosecution version and turned hostile. Prosecution evidence is yet to conclude. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.12.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No