

212 (two cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(i)

CRM-M-35047-2021

Ankit @ Khillu

..... Petitioner

Versus

State of Haryana

..... Respondent

(ii)

CRM-M-45446-2021

Anil @ Kali

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of Decision : 08.09.2022

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Pradeep Virk, Advocate
for the petitioner in CRM-M-35047-2021.

Mr. S.D.Bishnoi, Advocate
for the petitioner in CRM-M-45446-2021.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI , J(ORAL)

Both the aforesaid petitions, filed by petitioners Ankit @ Khillu and Anil @ Kali, under Section 439 Cr.P.C., for the grant of regular bail in case bearing FIR No.248 dated 24.06.2019, registered under Sections 302, 34 IPC and Section 25 of the Arms Act, 1959 (Sections 148 and 149 IPC added later on), at Police Station Rai, District Sonipat are taken up together since both the petitioners are accused in the same FIR.

Learned counsel for both the petitioners submitted that both the petitioners are in custody from 06.07.2019 which is more than three years.

They submitted that after completion of the investigation of the case, the trial is

in progress and the complainant and two eye-witnesses have already been examined. They further submitted that both the eye-witnesses have already turned hostile because they did not support the prosecution version and both the present petitioners have clean antecedents and they are not involved in any other case. Learned counsel, by referring the FSL report, submitted that even as per the said report, the deceased died due to injuries from revolver which was recovered from the co-accused namely Vikram and not from the present petitioners and the said co-accused Vikram has already been granted regular bail by this Court vide order dated 24.08.2022, passed in CRM-M-36343-2022 since he was nominated on the basis of disclosure statement. Learned counsel submitted that be that as it may, both the petitioners have already suffered incarceration for more than three years and, therefore, may be considered for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the co-accused has been granted regular bail by this Court. He further submitted that it is also correct that both the petitioners are in custody for more than three years and they are not involved in any other case. He submitted that 08 witnesses have been examined including the complainant and the eye-witnesses. Learned State counsel opposed the bail to the petitioners on the ground that since revolver was recovered from the petitioners and the matter is serious in nature, they do not deserve the concession of regular bail. He further submitted that there is also an apprehension that in case the petitioners are released on bail then they may abscond from justice.

I have heard learned counsel for the parties.

Both the petitioners are stated to be in custody for more than 03 years and as per learned counsel for the parties, both the petitioners are not involved in any other case. Eight witnesses have already been examined

including the complainant and the two eye witnesses and as per learned counsel for the petitioners, the eye-witnesses have already turned hostile since they did not support the prosecution version. The other co-accused Vikram has already been granted regular bail by this Court. On a query being asked to the learned State counsel with regard to the objections raised by him that there is a likelihood that in case the petitioners are released on bail they may abscond and as to whether there is any sufficient material available with him to arrive at such a presumption or conclusion, learned State counsel was not able to substantiate his argument with regard to the fact as to whether there was any such material or not.

Be that as it may, both the petitioners are not involved in any other case and they have already suffered incarceration for more than 03 years and the other co-accused has already been granted regular bail by this Court.

Therefore, considering the aforesaid totality of circumstances and the long custody of the petitioners, this Court deems it fit to grant the concession of regular bail to the petitioners.

Consequently, both the petitions are allowed. The petitioners are 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 cases and is meant for deciding the present petitions only.

08.09.2022
mamta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No