

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

216

CRM-M-37219-2021

Date of Decision : **August 03, 2022**

ARJUN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vishal Sharma, 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. 125 dated 21.3.2020 under Sections 302, 323, 148, 149 IPC (later on Sections 148, 149 IPC were deleted and Section 34 of IPC was added), registered at Police Station Adarsh Nagar, District Faridabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 31.3.2020 which is more than 2 years and 4 months. He submitted that in the present case after the completion of the investigation, challan was presented before the competent Court and thereafter the charges were framed on 21.9.2020 and it is almost 1 year and 11 months that only the complainant and three other witnesses have been examined and the delay has occurred at the hands of the prosecution with the result that the petitioner has suffered incarceration for about 2 years and 4 months. He further submitted that

no recovery is to be effected from the petitioner and the petitioner was also released on parole and he surrendered back in time and the petitioner is not involved in any other case and has clean antecedents. He submitted that it is a case where there is no motive attributable to anybody and as per the allegations there was a scuffle between the neighbours and it is yet to be determined as to who was the aggressor party and has submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel it is correct that the petitioner is in custody from 31.3.2020 which is almost 2 years and 4 months and no recovery is to be effected from the petitioner. He submitted that the petitioner is not involved in any other case. He has, however, opposed the grant of bail to the petitioner on the ground that 4 more material witnesses are yet to be examined.

I have heard the learned counsels for the parties.

The petitioner is in custody from 31.3.2020 which is almost 2 years and 4 months. During the course of arguments, the learned counsels for the parties have submitted that the other co-accused, namely, Bimla has already been granted bail. After the completion of the investigation, charges were framed on 21.9.2020 which is almost 1 year and 11 months and the petitioner has suffered incarceration for 2 years and 4 months. As per the learned counsels for the parties, the petitioner is not involved in any other case and it is not the case of the prosecution 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

especially in view of the fact that earlier the petitioner was released on parole and he has surrendered back in time.

Therefore, in view of the aforesaid facts and circumstances of the present case, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present 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.

August 03, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No