

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

Sr. No.211

CRM-M-33571-2020

Date of decision : 23.2.2022

Govind

.....Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajiv Kataria, Advocate with
Ms.Deepshikha, Advocate for the petitioner

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.865 dated 5.11.2018, registered under Sections 147/148/149/459/460/396 IPC and Section 25/54/57 of the Arms Act at Police Station Sadar Bhiwani, District Bhiwani.

The petitioner and his co-accused are being prosecuted for having murdered Baba Somwar Giri as also for causing injuries to Hardeep Giri, Baba Badri Giri and Ramesh Chander.

Learned counsel for the petitioner submits that the petitioner is a 20 year old boy; there is no other criminal case pending against him; he is in custody for the last over 3 years and 3 months; all the material witnesses in the petitioner's trial stand examined; there are five alleged eye witnesses to the crime that the petitioner is accused of; out of five eye witnesses, the complainant-Ramesh Chander, injured-Baba Badri Giri and Jatinder Giri have appeared before the trial Court and specifically stated that all the assailants were having muffled faces; PW Hardeep Giri, while appearing before the trial Court stated that it was the petitioner, who had committed the murder but in the light of the statements of afore three eye witnesses, his statement is untrustworthy and since in the petitioner's trial 14 prosecution witnesses still remain to be examined, it will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner has murdered Baba Somwar Giri and attempted to murder Hardeep Giri, Baba Badri Giri and Ramesh Chander and that PW Hardeep Giri has specifically identified the petitioner to be one of the assailants.

The evidentiary value of PW Hardeep Giri's statement of having identified the petitioner to be one of the assailants in the light of the statements of the other three alleged eye witnesses, namely, Ramesh Chander, Baba Badri Giri and Jatinder Giri having stated that the assailants were having muffled faces, shall be debated during the course of the petitioner's trial. However, the petitioner is a 20 year old boy having no other criminal antecedents; all the material witnesses of the prosecution have been examined; the petitioner is in custody for the last over 3 years and 3 months and that the petitioner's trial, in which out of 30 prosecution witnesses, 14 still remain to be examined, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bhiwani, who shall insist upon at least two local heavy sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

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