

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-34096 of 2022

Date of Decision: 27.09.2022

Naresh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankit Chahah, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (ORAL)

The present is a 3rd petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.502 dated 18.08.2018, under Sections 324 and 307 IPC (Sections 302 and 452 IPC and Section 25 of the Arms Act, 1959 have been added and Section 307 IPC has been deleted later on) , registered at Police Station Shivaji Colony, District Rohtak.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 22.08.2018 which is more than 4 years. He submitted that the charges in the present case were framed on 29.05.2019 which is also more than 3 years, but till date only one prosecution witness has been examined, who is the complainant in the present case. He further referred to Annexure P-1 to state that even the complainant has not supported the prosecution version and she was declared hostile. He has further submitted that in view of the fact that the petitioner has faced incarceration for more than 4 years and the trial of the case is going at a very slow pace, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has faced incarceration more than 4 years and it is also correct that the charges in the present case were framed on 29.05.2019 but only one prosecution witness has been examined who is the complainant and she is not supported the prosecution version. He has, however, opposed the grant of regular bail to the petitioner on the ground that the matter involves death of the person and is serious in nature.

I have heard the learned counsel for the parties.

In the present case the petitioner is in custody for more than 4 years even the charges were framed more than 3 years ago and only one prosecution witnesses, i.e. the complainant has been examined, who as per the learned counsels for the parties, did not support of the prosecution version.

Therefore, in view of the aforesaid facts and circumstances, especially in view of the long custody of the petitioner, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

September 27, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No