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

**CRM-M-36343-2022 (O&M)
Date of Decision: 24.08.2022**

Vikram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Naveen S. 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 bearing FIR No.248 dated 24.06.2019, under Sections 148 & 302 read with Section 149 IPC and Section 25 of the Arms Act, registered at Police Station Rai, District Sonapat.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 05.07.2019, which is more than three years. He further submitted that 8 witnesses have already been examined including the material witnesses which included Sahil and Ravi alias Gochu, who had informed regarding the death of the deceased Rakesh. He also submitted that the petitioner was not named in the FIR and his name was nominated on the basis of disclosure statement made by the co-accused. He further

submitted that so far as the allegations against the petitioner and co-accused are concerned, the same are based upon the circumstantial evidence and there is no eye-witness in the present case. He further submitted that the petitioner has got clean antecedents and is not involved in any other case, and therefore, considering the custody of the petitioner as well, he may be considered for the grant of regular bail in view of the aforesaid facts and circumstance.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 05.07.2019, which is more than three years and the entire case is based upon the circumstantial evidence. He further submitted that it is also correct that the name of the petitioner was surfaced on the basis of disclosure statement made by the co-accused. He also submitted that the material witnesses have been examined.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than three years. As per the learned counsel for the parties, the petitioner is not involved in any other case and he was not named in the present FIR. The material witnesses have already been examined and no recovery is to be effected from the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Therefore, in view of the aforesaid facts and circumstances, especially the long custody of the petitioner, which is more than three years, he deserves the concession of regular bail.

Consequently, the present petition is allowed and the petitioner

is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

24.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |