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

**CRM-M-40528-2021
Date of Decision: 05.07.2022**

Vinay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lovish Mittal, Advocate for
Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., 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.0079 dated 27.02.2021, under Sections 323, 379, 506 & 34 of the IPC, registered at Police Station Sonapat Sadar, District Sonapat (Annexure P-1), Charges framed under Sections 395, 397, 412, 201, 323, 379-B, 392 & 506 of the IPC and Section 25 of the Arms Act, 1959 on 16.07.2021.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 10.03.2021 which is more than one year and all the material witnesses including the complainant has since been examined. He further submitted that one of the eye witness, namely,

Mohammad Shabir (wrongly stated as Sagar in the order dated 07.04.2022) has also been examined, who has turned hostile and has not supported the prosecution version. He also submitted that the petitioner has got clean antecedents and is not involved in any other case and was falsely implicated in the present case and considering the aforesaid circumstances especially the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody since 10.03.2021 and all the material witnesses have been examined. He further submitted that it is also correct that one of the eye witness, namely, Mohammad Shabir has also been examined and he has not supported the prosecution version. So far as the antecedents of the petitioner is concerned, he is not involved in any other case. He has however opposed the grant of bail on the ground that the other witnesses including the complainant have supported the prosecution version.

I have heard the learned counsel for the parties.

In the present case, the petitioner is in custody since 10.03.2021 and all the material witnesses have been examined as per learned counsel for the parties including the eye witness, who is stated to have turned hostile. As per the learned counsel for the parties, the petitioner is not involved in any other case. 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 the witness or may tamper with the evidence.

Therefore, considering the totality of the circumstances of the present case,

this Court deems it fit and proper to grant bail to the petitioner.

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.

05.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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