

CRM-M-37024-2022

Date of Decision : 23.09.2022

Vikas

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.K.Verma, Advocate for the petitioner.

Mr. N.S.Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.349 dated 21.12.2019, under Sections 302, 201 and 34 IPC, registered at Police Station IMT, Rohtak, District Rohtak.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 25.12.2019 which is almost 02 years and 09 months. He submitted that 03 out of 15 prosecution witnesses have already been examined and even as per the prosecution story, the entire case is based upon circumstantial evidence. He further submitted that a perusal of the FIR would show that the complainant in his statement has stated that the deceased was murdered by one co-accused namely Sonu and so far as the present petitioner is concerned, the only role attributable to him is that few days ago, the son of the complainant had quarreled with the petitioner. Learned counsel for the petitioner submitted that, the entire story is based upon suspicion. He further submitted that two co-accused namely Mandeep and Sachin have already been granted regular bail by this Court vide orders dated 06.07.2022 & 09.03.2022, passed by this Court in CRM-M-44620-2021 and CRM-M-8421-

2021 respectively. He further submitted that be that as it may, considering the long custody of the petitioner and that the trial of the case may take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel, on instructions, has stated that it is correct that the petitioner is in custody from 25.12.2019 and 03 out of 15 prosecution witnesses have already been examined and the aforesaid co-accused have already been granted regular bail by this Court. He further submitted that during the course of investigation, the shoes which belonged to the petitioner had blood stains and it has been confirmed by the FSL Laboratory that it was a human blood.

I have heard learned counsel for the parties.

The petitioner has already faced incarceration for about 02 years and 09 months. During the course of arguments, a query was put to both the learned counsel for the parties as to whether the petitioner is involved in any other case and whether he is a habitual offender or not. It has been stated by both the learned counsel for the parties that the petitioner is not involved in any other case. The aforesaid co-accused namely Mandeep and Sachin have already been granted regular bail by this Court. The prosecution story appears to be based upon circumstantial evidence. Apart from the same, it is not the case of the State that in case the petitioner is released on bail he may abscond and may influence the witnesses.

Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant the concession of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is

ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

23.09.2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No