

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CRM-M-39828-2020

Date of decision: 04.05.2022

Basant

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Navdeep Monga, 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.484 dated 02.10.2018 registered under Sections 307, 323 and 34 IPC and under Sections 25, 54, 59 of Arms Act, 1959 at Police Station Sector-5, Panchkula, District Panchkula.

The petitioner, alongwith his co-accused, is being prosecuted for having attempted to murder one Sunil.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is a case of mistaken identity; the petitioner has been in custody for the last nearly 03 years; there is no other criminal case in which the petitioner is involved; the injured and the complainant have already been produced before the Trial Court as witnesses for the prosecution; in fact, all material witnesses stand examined; this Court granted interim bail to the petitioner on two occasions which concession he did not misuse; through order of this Court dated 21.08.2020, co-accused Lal Bahadur @ Sonu @ Kalu has been granted regular bail and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is the main accused; the weapon used by the petitioner was recovered from him and that since he is a citizen of Nepal, if released on bail, he may flee from justice.

The petitioner, who is accused of having attempted to murder Sunil has been in custody for the last over 02 years and 11 months; through order dated 21.08.2020 passed in CRM-M-35561-2019, this Court has granted regular bail to co-accused Lal Bahadur @ Sonu @ Kalu; the injured and the complainant, alongwith all other material witnesses, already stand examined before the Trial Court and therefore, there is no occasion for the petitioner to influence them; since due to Covid-19, the petitioner's trial was not progressing, this Court, on two occasions, had granted him interim bail which concession he did not misuse and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Panchkula, who shall insist on heavy local 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.

May 04, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No