

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

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**CRM-M-40124-2022 (O&M)
Date of decision: 02.12.2022**

Samoon Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.171 dated 08.12.2019, registered at Police Station Panjokhra, District Ambala, under Sections 279 and 304-A IPC and Sections 302, 419, 420 and 120-B IPC (added later on). Earlier petition was dismissed as withdrawn on 03.03.2021.

Status report by way of affidavit dated 24.11.2022 of the Deputy Superintendent of Police, Ambala (Hqs.) already filed in the Registry is taken on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the FIR was registered on the complaint of Jamil Khan, ex-husband of Nazma Khan; that complainant-Zamil Khan, while appearing before the trial Court as PW 7, has not supported the prosecution version; that co-accused, namely, Ishtihaq has since been granted the concession of regular bail by this Court, vide order dated 06.07.2022 passed in CRM-M-28741-2021.

Learned counsel for the petitioner further submits that there is a delay of 10 days in lodging the FIR; that initially the FIR was registered

under Sections 279, 304-A IPC; that after recording of supplementary statement of the complainant Section 302 IPC was added subsequently and that the petitioner has been in custody since 27.12.2019

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner *has* actively participated in the occurrence. The petitioner was living with the deceased and Ishtihaq (brother of the deceased). However, he does not dispute the custody period of the petitioner and the fact that the complainant has not supported the prosecution version while appearing as PW-7. He submits that out of 22 prosecution witnesses, only 07 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.12.2019. The complainant has not supported the prosecution version while appearing as PW-7. Co-accused, Ishtihaq has been granted the concession of regular bail by this Court, vide order dated 06.07.2022. Remaining 15 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

02.12.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No