

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

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CRM-M-40366-2022(O&M)
Date of Decision : **September 09, 2022**

HARISH KUMAR@NAVI AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.P.S.Rehan, Advocate
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

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 petitioners in case FIR No.82 dated 19.8.2021 under Section 302 IPC (Section 120-B IPC added subsequently), registered at Police Station Hajipur, District Hoshiarpur.

It has been submitted by the learned counsel for the petitioners that the petitioners are in custody from 21.8.2021 which is almost one year and fifteen days and has clean antecedents and is not involved in any other case. He submitted that as per the allegations contained in the FIR which was lodged on the basis of the statement of one Poonam Verma wife of late Sh. Sanjeev Kumar that before the death of her husband he told her that a quarrel had taken place with petitioner No.1 and his friends, who had threatened to kill him. On the basis of the aforesaid statement, the petitioner No.1 was nominated in the present FIR

but at the time when she had deposed before the learned trial Court as PW1, she has not supported the prosecution version and has rather specifically stated that petitioner No.1 is innocent and has been falsely implicated in this case and thereafter she was declared hostile. He submitted that so far as the petitioner No.2 is concerned, he had no role to play at all in the present case as per the prosecution story itself. He further submitted that both the petitioners were arrested on the same day and they have suffered incarceration for more than one year. He submitted that even otherwise also the entire case is based upon circumstantial evidence and the complainant on whose statement the present petitioners were nominated has not supported the prosecution version and the other co-accused, namely, Gurdeep Singh @ Rinku and one more accused who was nominated on the basis of disclosure statement were granted bail vide Annexure P-5 on 23.8.2022 and has submitted that in view of the aforesaid facts and circumstances, the petitioners may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that both the petitioners have faced incarceration for more than one year and the FIR was lodged on the basis of statement of one Poonam Verma who has already been deposed before the learned trial Court as PW1 but did not support the prosecution version.

I have heard the learned counsels for the parties.

Both the petitioners are stated to be in custody for more than one year. The FIR was lodged on the basis of the statement of complainant but she has not supported the prosecution version at the time

of trial. The other co-accused, namely, Gurdeep Singh @ Rinku has been granted bail by this Court vide Annexure P-5. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting upon the merits and circumstances of the present case, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

September 09, 2022

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**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No