

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

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CRM-M-44582-2021(O&M)
Date of Decision : February 28, 2022

SANDEEP

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Balraj Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, 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 FIR No.202 dated 28.10.2020 under Sections 323, 34, 506 IPC registered at Police Station Jhojhu Kalan and later on offences under Sections, 325, 307 and 120-B IPC were added.

The learned counsel for the petitioner has submitted that in the present case as per the allegations contained in the FIR there was no role of the petitioner. He submitted that as per the allegations, the complainant was travelling on a two wheeler and his wife, namely, Poonam was also on another two wheeler and after some time a car had come and hit the scooter of the complainant and even the wife of the complainant had tried to rescue the complainant and thereafter the present case was registered. He further submitted that it was after a period of

about 6½ months that another supplementary statement was suffered by the complainant that it was a conspiracy to kill the complainant by the co-accused Rahul, petitioner along with his own wife i.e. Poonam and, therefore, Poonam was also arrested along with the petitioner and his cousin, namely, Rahul and the allegations were that aforesaid Rahul has relationship with Poonam and wanted to marry her. He submitted that the entire story has been fabricated at least against the petitioner. He further submitted that the petitioner is in custody from 7.5.2021 and earlier this Court had granted interim bail to the petitioner for taking exams thrice and after taking the exams he has surrendered back to the jail authorities well in time and on one occasion he was sent in police custody. He submitted that the investigation of the case is already complete and challan has been presented in the competent Court but no PW has been examined till date and has further submitted that the petitioner is a student and he has to take more examinations and his entire career will be affected in case the petitioner is not granted bail particularly in view of the fact that the basic dispute pertained to Rahul and Poonam and the complainant whereas the petitioner had no role in the entire dispute, if any.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 7.5.2021 and the investigation of the case has been completed and the challan has been presented in the competent Court. He further submitted that it is also correct that no PW has been examined till date and the petitioner is a student. He submitted that earlier the petitioner was granted interim bail

thrice for taking exams and twice he has surrendered well in time and on the first time he had taken the exam under custody of the police.

I have heard the learned counsels for the parties.

The petitioner is in custody from 7.5.2021 and the investigation of the case is already complete. The petitioner was earlier granted interim bail for taking the exams and he has surrendered before the jail authorities well in time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is 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.

Since the main case has been allowed, all the miscellaneous applications shall stand disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

February 28, 2022

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