

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

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CRM-M-45235-2021

Date of Decision : August 22, 2022

VIJAY

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Surender Saini, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, 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.611 dated 7.10.2020 under Sections 202, 302, 323 IPC, registered at Police Station Samalkha, District Panipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 13.10.2020 which is almost one year and ten months. He submitted that after the completion of the investigation, the trial had commenced and out of 14 cited witnesses, 7 have already been examined and the material witnesses including the complainant and son-in-law and son of the complainant have already been examined. He further submitted that in the present case the entire case is based upon circumstantial evidence and nobody has been named in the FIR. He submitted that the story of the prosecution is that the deceased had come to the wine shop prior to his death on the bi-cycle which belonged to the petitioner and thereafter on the basis of the entire circumstantial evidence the name of the petitioner was nominated. He submitted that the petitioner is not involved in any other case and has clean antecedents and it was only on the basis of

suspicion that his name was nominated. He further submitted that be that as it may, all the material witnesses have already been examined and the trial may take long time, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 13.10.2020 and 7 out of 14 witnesses have been examined. He further submitted that infact the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner has faced incarceration for about one year and 10 months. The petitioner is not involved in any other case. As per the learned counsel for the petitioner, the entire case rests on the basis of suspicion and circumstantial evidence and 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.

Consequently, this Court is of the view that the petitioner deserves the concession of regular bail.

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.

(JASGURPREET SINGH PURI)
JUDGE

August 22, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No