

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232

CRM-M-41302 of 2022
Date of Decision:14.09.2022

Suraj

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.445 dated 07.09.2020, under Sections 201, 302 and 34 of the IPC, registered at Police Station Quilla Panipat, District Panipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 08.09.2020 which is more than two years and he has submitted that after the investigation of the case, the trial has commenced and the material prosecution witnesses have already been examined. He has further submitted that as per the FIR four persons including the petitioner were seen with the deceased one day prior to the death of the deceased and they were taking liquor

together and on the next day the complainant found that his brother has died. The learned counsel for the petitioner has further submitted that the entire story of the prosecution was based on suspicion and on the basis of last seen theory and has submitted that therefore no presumption can be drawn that the petitioner is involved in the present case. He further submitted that be that as it may the petitioner has already faced incarceration for more than two years and the other similarly situated co-accused namely Raj Kumar @ Raju who is at parity with the petitioner has been granted bail by this Court in CRM-M-37439 of 2022 vide Annexure P-6.

Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody for more than two years and the material witnesses have been examined. He further submitted that it is also correct that the case is based on circumstantial evidence and the other co-accused namely Raj Kumar @ Raju has already been granted bail vide Annexure P-6.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last more than two years and the material witnesses have already been examined. The other similarly situated co-accused namedly Raj Kumar @ Raju has been already granted bail by this Court vide Annexure P-6. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

After considering the arguments advanced by learned counsel for the petitioner, the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject

to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 14, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No