

215
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46589-2021 (O&M)

Date of Decision: 25.04.2022

Deepanshu Rana @ Chintu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rakesh Kumar Lathwal, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is the second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.427 dated 11.11.2019, under Sections 302, 34 IPC, registered at Police Station Kundli, District Sonipat (Haryana).

The learned counsel for the petitioner has submitted that the petitioner is in custody from 11.11.2019 which is about 2 ½ years. He further submitted that the petitioner was falsely implicated in the present case on the basis of hearsay statement by the complainant in the FIR. He further submitted that the entire case is based upon circumstantial evidence and during the trial the complainant namely Pawan Kumar himself had resiled from his statement given to the police and had stated specifically that

he has not given any complaint to the police and, therefore, he was declared hostile. He further submitted that all the material witnesses have been examined and only official witnesses are left and other material witnesses have also been declared hostile and no one has supported the prosecution version. He further submitted that the petitioner is not involved in any other case and has got clean antecedents and, therefore, he may be considered for the grant of regular bail. He further submitted that although this is a second successive bail application and the earlier bail application was withdrawn on 21.09.2020 but thereafter there has been a change of circumstance and witnesses have been examined.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 11.11.2019 and it is also correct that the material witnesses including the complainant namely Pawan Kumar have been turned hostile. He has however submitted that blood stained clothes of the petitioner alongwith brick and glass jar were found to be of human blood and, therefore has opposed the grant of bail on this ground.

The learned counsel for the petitioner has however submitted that the blood on the clothes of deceased was never got compared with the blood of the petitioner and the case was therefore planted upon the petitioner based upon circumstantial evidence.

I have heard the learned counsel for the parties.

The petitioner is in custody from 11.11.2019 which is about 2 ½ years. The material prosecution witnesses including the complainant namely Pawan Kumar have been examined and they have been turned hostile as

per the learned counsel for the parties. The petitioner is not involved in any other case and has got clean antecedents as per the learned counsel for the parties. Furthermore, it is not the case of the State in case the petitioner is released on bail, then he may abscond from justice or may influence any witness or may tamper with any evidence since all the material witnesses have already been examined.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

All the miscellaneous applications, if any, shall be deemed to be disposed of since the main case has been disposed of.

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

25.04.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No