

219

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

CRM-M-42351-2022

Date of Decision: 20.09.2022

Mohit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Matya, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, 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 bearing FIR No.428 dated 10.11.2020, under Sections 148, 149 & 302 IPC, registered at Police Station Badshahpur, District Gurugram.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 10.11.2020 and the material witnesses including the complainant, namely, Rahul have already been examined. He further submitted that it is a case where the allegations were that the petitioner along with the co-accused had killed the brother of the complainant and now since the material witnesses including the complainant, who was the eye-witness, have been examined and the petitioner has already faced incarceration for about 1 year and 10 months,

no useful purpose would be served in case the custody of the petitioner is further extended. He also submitted that even otherwise also the other co-accused, who is a similarly situated co-accused, namely, Ravi has been granted bail by this Court in CRM-M-48316-2021 on 16.08.2022 (Annexure P-7) and the petitioner is at parity with the aforesaid co-accused, therefore, he may be considered for the grant regular bail.

On the other hand, Mr. Naveen S. Panwar, DAG, Haryana has submitted that it is correct that the petitioner is in custody since 10.11.2020 and the other co-accused, namely, Ravi, who is at parity with the present petitioner has been granted bail by this Court vide Annexure P-7.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about 1 year and 10 months. The complainant has already been examined and it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. The one of the other co-accused, namely, Ravi, who is stated to be at parity with the present petitioner has already been granted bail by this Court vide Annexure P-7. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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.

20.09.2022

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:
- Yes
2. Whether reportable:
- Yes/No