

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-43299 of 2022

Date of Decision:14.11.2022

Amarjeet @ Lara

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunil Saharan, 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.349 dated 16.07.2020, under Sections 302, 34 IPC, registered at Police Station Azad Nagar, Hisar, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 18.07.2020, which is almost 2 years and 3 months. He submitted that it is a case where all the material witnesses have been examined and even as per the prosecution story, the entire case is based on circumstantial evidence and there is no eye witness in the present case and the prosecution story is based on list seen theory. He further submitted that the petitioner has clean antecedents and he is not involved in any other case. He further submitted that the other co-accused who is at parity with the petitioner namely Subhash @ Kalu has been extended the benefit of regular bail by this Court in CRM-M-19315 of 2022 on 27.07.2022 and therefore considering the aforesaid facts and circumstances and especially the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has faced incarceration for about two years and three months. He submitted that it is also correct that the other co-

accused namely Subhash @ Kalu has been extended the benefit of regular bail by this Court and the present petitioner is at parity with the aforesaid co-accused. He further stated that the petitioner is not involved in any other.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about two years and three months and the other co-accused namely Subhash @ Kalu who is stated to be at parity with the petitioner has already been extended the benefit of regular bail by this Court. The petitioner is not a habitual offender and is not involved in any other case as per the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice.

In view of the aforesaid position, 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

November 14, 2022

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