

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225

CRM-M-44175 of 2022
Date of Decision:15.11.2022

Kapil @ Kapil Yadav

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rakesh Gupta, 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.606 dated 24.11.2019, under Sections 302, 392, 201, 120-B, 34 IPC, registered at Police Station Pataudi, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 10.02.2020, which is almost 2 years and 9 months. He submitted that 13 prosecution witnesses out of 31 have been examined including material witnesses. He submitted that even the complainant did not support the prosecution version at the time of trial and submitted that the entire case is based upon circumstantial evidence. He further submitted that the petitioner has clean antecedents and he is not involved in any other case. He further submitted that it was only on the basis of suspicion that he was nominated as an accused in the

present case. He further submitted that the other co-accused who is at parity with the petitioner namely Vikas has been extended the benefit of regular bail by this Court in CRM-M-34164 of 2022 on 06.09.2022 and the trial of the case may take long time and therefore considering 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 nine months. He submitted that it is also correct that the other co-accused namely Vikas has been extended the benefit of regular bail by this Court vide Annexure P-7 but the role assigned to the Vikas and the present petitioner were different and therefore he cannot seek parity with the aforesaid co-accused namely Vikas. He has further submitted that 13 prosecution witnesses out of 31 have been examined and the material witnesses have already been examined, wherein the complainant has not supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner is stated to be not involved in any other case and has already faced incarceration for about two years and nine months and the other co-accused namely Vikas has already been extended the benefit of regular bail by this Court. The material witnesses have already been examined in the present case. 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

expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 15, 2022
dinesh

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