

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49480-2021 (O & M)

Date of decision: 15.03.2022

Rinku

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.268 dated 24.08.2020 under Sections 148, 149, 323, 324, 341, 307, 379-B IPC (Sections 148, 149 IPC were replaced by Section 34 IPC and Sections 411, 427, 394 IPC and Section 25 of the Arms Act, 1959 added later on), registered with Police Station Sadar Jhajjar, District Jhajjar.

The brief facts of the case are that the aforementioned FIR came to be registered at the instance of one Parveen Kumar with the allegations that he was travelling in a car alongwith his family members. When he reached the Dadanpur road NH-71, five unknown persons stopped the car while parking the motor cycle in front of his car, when his brother Arun Kumar got out of the car to ask the said persons as to why they had stopped their car, he was attacked with a knife with an intention to kill him.

The glass of the car was also broken. after snatching the key of the car, they ran away from the spot.

The learned counsel for the petitioner contends that no one is named in the FIR. In fact, the petitioner was arrested in FIR No.267 dated 23.08.2020 registered under Sections 302, 34 IPC and Sections 25 of the Arms Act, 1959, where the petitioner and his co-accused confessed about their involvement in the present case and admitted that on 23.08.2020, they had first committed the murder of one Ashok for which FIR No.267 dated 23.08.2020 had been registered under Sections 302 IPC etc., and thereafter, they committed the present offence bearing FIR No. 268 dated 24.08.2020. He further contends that the investigation, in this case, was over and charges were framed under Sections 323, 324, 341, 379-B, 411, 427, 394 and 34 IPC and Section 25 of the Arms Act, 1959. As per the learned counsel for the petitioner, the evidence of the material witnesses had already been recorded and they had not supported the case of the prosecution. The statements of the complainant/PW-1-Parveen Kumar and other witnesses, namely, PW-2-Arun Kumar, PW-3- Shankar Lal, PW-4 Asha and PW-5- Sunil Kumar have been placed on record as Annexures P-3 to P-7 respectively. A perusal of the statements would reveal that none of the persons identified the petitioner.

The learned State counsel, however, submits that the petitioner has confessed about his involvement in the present case and there was other other evidence available with the prosecution agency even though the witnesses have not supported the case of the prosecution. He has placed on record the custody certificate of the petitioner, as per which, the petitioner has undergone a total period of sentence of 01 year 04 months and 01 day, and there is one other FIR bearing No.267 dated 23.08.2020 pending against him.

I have heard the learned counsel for both the parties.

Admittedly, the petitioner was not named in the FIR. He is said to have confessed about his involvement in the present case when he was arrested in FIR No.267 dated 23.08.2020. Now, all the material witnesses, in the present case, stand examined and none of them have supported the prosecution case. As many as 34 witnesses are cited in the list of the witnesses. The petitioner is in custody since 01.09.2020 and as such, his further incarceration is not required.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner-Rinku is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jhajjar.

(JASJIT SINGH BEDI)
JUDGE

March 15, 2022
sukhpreet

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