

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

**CRM-M-51307-2021 (O&M)
Date of decision : 04.04.2022**

Ramu ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anurag Tomar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

ALKA SARIN, J. (ORAL)

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.356 dated 11.06.2020 under Sections 302, 307, 341, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 registered at Police Station Shivaji Colony, District Rohtak.

Learned counsel for the petitioner would contend that the earlier two petitions for grant of bail being CRM-M-37016-2020 and CRM-M-8599-2021 were dismissed as withdrawn on 16.11.2020 and 09.04.2021, respectively. Learned counsel for the petitioner would further contend that the petitioner has been in custody since 15.06.2020 and there is no other case pending against the petitioner. It is further the contention of learned counsel for the petitioner that the petitioner was on interim bail from 31.05.2021 to 15.11.2021 and he never misused the concession of the interim bail. On merits, it has been contended by learned counsel for the petitioner that the change in circumstances since withdrawal of the earlier petitions is that the

prosecution witnesses in the present case have not supported the prosecution version. The eye-witness and author of the FIR i.e. father of the deceased, has categorically stated that the accused present in the Court were not amongst the assailants. To the similar effect is the statement of the PW-2, namely, Dinesh.

Learned counsel for the State has referred to the reply filed by way of an affidavit of Dr. Ravinder, HPS, Deputy Superintendent of Police, Rohtak wherein it has been reiterated that gun-shot injury has been attributed to the co-accused, Raju. Learned counsel for the State is not in a position to deny the fact that the prosecution witnesses have not supported the version as set up by the prosecution and further that there is no other case pending against the petitioner. Learned counsel for the State is also not in a position to deny the fact that the petitioner did not misuse the concession of the interim bail granted to him from 31.05.2021 to 15.11.2021.

Heard.

Keeping in view the facts that the eye-witness as well as the author of the FIR and the other prosecution witnesses have not supported the version as set up by the prosecution as also the fact that the petitioner has been in custody since 15.06.2020 and there is no other case pending against him and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court

concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

04.04.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO