

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

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CRM-M-53612-2021

Date of Decision : January 07, 2022

MUKESH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

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CRM-M-53654-2021

DHARAMVIR ALIAS DHAKAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Devender Arya, Advocate
for the petitioner in both the petitions.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

Both these petitions are being taken up together as the same arise out of the same FIR and the prayer in both the cases pertains to grant of regular bail to the petitioners.

The learned counsel for the petitioners in both the cases has submitted that both the petitioners are in custody from 11.3.2020 which is more than 1½ years and the investigation of the case is already complete and after framing of the charges, two witnesses including the complainant have been examined. He submitted that one of the petitioners, namely,

Dharamvir @ Dhakar had earlier filed bail application before this Court which was dismissed as withdrawn on 29.6.2021 in CRM-M-23317-2021 but thereafter there has been a change of circumstance wherein the complainant as well the nephew of the deceased, namely, Vikram Singh have been examined but both of them have turned hostile. Learned counsel has further submitted that it is a case where the deceased was unmarried and had become a Baba and used to roam in and around and one day he was found dead and alongwith the body there was a blood stained stones but there is nothing in the evidence to show that the alleged offence was committed by the petitioners. He has submitted that the petitioners have faced incarceration for about 1 year and 9 months and the material witnesses have turned hostile and both the petitioners are not involved in any other case and, therefore, they may be considered for the grant of regular bail.

On the other hand, Mr. Arya, learned Addl. Advocate General, Haryana has submitted that so far as the custody period of both the petitioners is concerned, it is correct and it is also correct that after completion of the investigation, the challan has been presented and the charges were also framed and two material witnesses have been examined including the complainant and the nephew of the deceased, namely, Vikram Singh wherein both of them have turned hostile. He has further submitted that it is also correct that the petitioners are not involved in any other case

I have heard the learned counsels for the parties.

The custody period of both the petitioners is not in dispute.

It is also not in dispute that the investigation of the case is already complete and the petitioners are not involved in any other case. Both the learned counsel for the parties have stated that the complainant as well as nephew of the deceased, who were the material witnesses have been turned hostile. The earlier bail application of one of the petitioners, namely, Dharamvir @ Dhakar was withdrawn by the petitioner in June 2021 and the material witnesses have now been examined afterwards and therefore, it would constitute a change in the circumstance. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioners.

Consequently, both the petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 07, 2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No