

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

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CRM-M-50919-2022

Date of Decision: November 09, 2022

Laxman

-----Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is the 2nd petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0796 dated 05.12.2020 under Sections 302, 34 IPC, registered at Police Station City Hansi, District Hisar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 12.12.2020, which is almost 1 year and 11 months. He has further submitted that the investigation of the case has been completed and now all the material witnesses have been examined. He has further submitted that it is a case, which was based upon the circumstantial evidence and the FIR was lodged on the basis of the statement made by one Durga Prasad, who stated to the Police that the deceased was his nephew and one night before the recovery of dead body, he told him that he had received threat from the present petitioner and on the basis of the aforesaid statement, the present FIR was lodged. He

has further submitted that at the time of trial, aforesaid Durga Prasad did not support the prosecution version and rather stated that the deceased had never informed him that he had received any threat from the present petitioner and the aforesaid Durga Prasad has been declared hostile. Learned counsel further submitted that in view of the aforesaid factual position that all the material witnesses have been examined and also 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 submitted that it is correct that the petitioner is in custody from 12.12.2020 and 10 witnesses including Durga Prasad have already been examined and it is also correct that the aforesaid Durga Prasad did not support the prosecution version and it was on the basis of the aforesaid statement made by Durga Prasad, the present FIR was lodged. He has, however, opposed the grant of regular bail on the ground that it is a case where allegations are serious in nature.

I have heard learned counsel for the parties.

The petitioner has faced incarceration for about 1 year and 11 months and the FIR was lodged on the basis of the statement of Durga Prasad that he received information from the deceased that some threats were made by the petitioner but at the time of deposing before the Court at the time of trial, he did not support the prosecution version and rather stated that he did not receive any information from the deceased with regard to the alleged threat from the petitioner. Apart from the above, all the material witnesses are stated to have been examined and it is not the case of the learned State counsel that in case

the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may abscond from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

09.11.2022
Atul

Whether speaking/ reasoned	-	Yes/No
Whether reportable	-	Yes/No