

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM-M No.52235 of 2022 (O&M)  
Date of Decision.18.11.2022

Parvesh

...Petitioner

Vs

State of Haryana

...Respondent

**CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Akashdeep Singh, Advocate  
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

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**JAISHREE THAKUR J. (ORAL)**

This is third petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.119 dated 14.03.2019 registered under Sections 148, 149, 302, 506, 120-B IPC and Section 25 of the Arms Act (Sections 216 IPC and Section 27 of the Arms Act added later on) at Police Station Rai, District Sonipat.

Learned counsel appearing for the petitioner would contend that the petitioner has wrongly been implicated in the said FIR at the instant of Sanjay Kumar, who is brother of deceased-Narender @ Nanda. It is submitted that after the earlier bail applications were rejected, material witnesses have been examined including author of the FIR namely Sanjay, who has not supported the prosecution version. It is further submitted that other material witness i.e. the alleged eye-witness too has turned hostile. He has clearly stated in Court that the accused, who is present in Court, had not committed murder of his nephew. It is also contended that out of total 81 witnesses cited, only 15 stand examined. The petitioner is in custody since

01.04.2019, which is more than three years and the trial is not likely to conclude in near future, therefore, prays for concession of regular bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending, on instructions from PSI Sandeep, that the petitioner is wanted in another FIR No.61 dated 15.02.2017 registered under Sections 195-A, 323, 452, 34 IPC at Police Station Rai, District Sonipat.

I have heard learned counsel for the parties and have perused the paper book and keeping in view the fact that the material witnesses have already been examined, there is no question of the petitioner influencing them and also the fact that the petitioner is in custody since 01.04.2019 and the trial is likely to take some time to conclude as out of total 81 witnesses cited, only 15 have been examined, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds of Rs.2 lakhs each to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

**November 18, 2022**

Pankaj\*

**(JAISHREE THAKUR)**

**JUDGE**

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