

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-55727 of 2022
Date of Decision:07.12.2022

Sunil

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mandeep Singh Kundu, Advocate,
for the petitioner.

Mr. S. K. Dagar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.162 dated 10.05.2021, under Sections 302, 201 read with Section 34 IPC, registered at Police Station Madlauda, District Panipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 10.05.2021, which is almost 1½ years and all the material prosecution witnesses have been examined. He submitted that the FIR came to be lodged on the basis of an information received by the police through one Naveen that he saw some boys fighting near the canal and they pushed the

deceased into the canal and whereas at the time of the deposition before the Court, he did not support the prosecution version and was declared hostile. He submitted that the entire case is based upon circumstantial evidence and the person who had informed the police himself did not support the prosecution version and therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. S. K. Dagar, learned DAG, Haryana has stated, on instructions from the police official who is present in the Court, that it is correct that the petitioner is in custody from the last 1½ year and the person who had informed the police on the basis of which the FIR was lodged namely Naveen did not support the prosecution version.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from the last 1½ years and it appears that the case is based upon circumstantial evidence. So far as one eye witness/complainant namely Naveen, on the basis of which the FIR in question came to be lodged is concerned, he has already been examined, but he did not support the case of the prosecution and has been declared hostile. During the course of arguments, it has been pointed out by the learned counsel for the parties that the petitioner is not a habitual offender and he is not involved in any other case. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or he may influence any witness.

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

December 07, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No