

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-280-2023 (O&M)

Decided on:-12.01.2023

Sukhvinder

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashit Malik, Advocate with
Mr. Sagar Aggarwal, Advocate for the petitioner.

Mr. Vijesh Sharma, Additional Advocate General, Haryana.

HARKESH MANUJA J. (Oral)

By way of present under Section 439 Cr.P.C., the prayer has been made for grant of regular bail pending trial in case FIR No.584 dated 19.10.2022, under Sections 195-A and 506 IPC, Police Station City Sonapat, District Sonapat.

As per the allegations, petitioner gave threats to the prosecution witnesses relating to trial arising out of FIR No.188 of 2020 registered against his real nephew, namely, Mohit, for having committed alleged murder of Subhash i.e. the real brother of the complainant, namely, Pardeep.

Learned counsel for the petitioner submits that the allegations levelled in the FIR are wholly baseless, as the 04 private witnesses, out of the total of 17 relating to the trial of FIR No.188 of 2020 have already been examined now. Learned counsel further submits that the petitioner has simpliciter been implicated being an Army Personnel, so as to multiply the miseries of the family of the accused, namely, Mohit, as the petitioner happens to be his real uncle.

Learned counsel for the petitioner also submits that the petitioner is behind the bars since 07.12.2022 i.e. for the past more than one month, investigation is complete and challan stands filed on 08.12.2022. In view of the submissions made herein above, learned counsel prays for grant of concession of regular bail to the petitioner.

On the other hand, prayer made in the present petition has been opposed by learned State counsel, relying upon some CCTV footage being part of the challan, which shows the presence of the petitioner in the court complex on the date of alleged incident.

Having heard learned counsel for the parties and perused the paper book, I find substance in the submissions made on behalf of the petitioner.

Admittedly, all the four prosecution witnesses to the incident arising out of FIR No.188 of 2020, who are private individuals already stand examined now and the rest of the witnesses are official witnesses. Even otherwise, the investigation in the present case has already been concluded, challan filed, thus, no useful purpose is going to be served by keeping the petitioner behind the bars as the trial is likely to take long time

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Sukhvinder is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

12.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No