

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218(2)

CRM-M-4818-2023

Date of decision : 21.02.2023

Vikas @ Brigadier

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Akash Yadav, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.200 dated 16.09.2020 registered under Sections 148, 149, 323, 452, 506 IPC (Sections 302, 324, 380, 427, 449 IPC added and Section 452 IPC deleted later on) at Police Station Ateli, District Mahendergarh.

The petitioner, alongwith his co-accused, is being prosecuted for having murdered Monu.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 26.09.2020; all material witnesses in the petitioner's trial have since been examined; while appearing before the trial court the complainant/alleged eye-witnesses have not identified the petitioner; in fact, none of the material witnesses for the prosecution have supported the prosecution's case; as per the FSL report the iron pipe allegedly recovered from the petitioner could not be connected with the crime he is accused of and that the prosecution also could not establish any link between the petitioner and Monu's murder from the clothes allegedly recovered from the petitioner.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner, alongwith his co-accused, has murdered Monu as also involved in another criminal case under Sections 323 and 506 IPC.

The petitioner is in custody for the last nearly 02 years and 05 months; all material witnesses in the petitioner's trial have since been examined; while appearing before the trial court the complainant as also the alleged eye-witnesses have not toed the prosecution's line and that there is also no forensic evidence to connect the petitioner with the crime he is alleged to have committed.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Narnaul, the petitioner is directed to be released on bail.

It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on the Ist of each month in the concerned police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

21.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned
Whether reportable

:

Yes / No
Yes / No