

CRM-M-4928-2023

Date of decision: 06.02.2023

SUVEB KHAN @ SHOYAB KHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Suveb Khan @ Shoyab Khan-petitioner is seeking regular bail in the case bearing FIR No.196 dated 18.03.2022 under Sections 323/34/506/308 IPC (Section 302 IPC was added later on and Section 308 IPC was deleted), registered at Police Station Samalkha, District Panipat.

Briefly, the allegations against the petitioner and the co-accused are to the effect that on 07.03.2022, they had inflicted injuries on the person of Akash and Dharvindra @ Dhanna-complainant. The injured were shifted to PGI Rohtak where Akash succumbed to the injuries.

Learned counsel for the petitioner contends that the complainant and his wife, who are the eye-witnesses to the occurrence have not supported the prosecution version during the course of trial. Moreover, the CCTV footage sought to be relied upon by the prosecution does not indicate that any such occurrence took place. The CCTV footage only indicates the movement of the vehicles on the road. The petitioner is in custody for a period of 10 months and

16 days and is not involved in any other case.

Learned State counsel has not disputed the fact that the complainant and his wife have not supported the prosecution version but has opposed the bail application on the score that the occurrence is also recorded in the CCTV footage.

Be that as it may, the complainant and his wife, who are the eye-witnesses to the occurrence have not supported the prosecution version. There is categoric assertion of the learned counsel for the petitioner that the CCTV footage does not depict any alleged occurrence. Even, as per the prosecution version, the petitioner arrived at the spot later on after getting call from the co-accused. The petitioner is in custody for a period of 10 months and 16 days and is not involved in any other case. So far only 02 out of 25 witnesses have been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

06.02.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No