

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-8857-2023 (O&M)
Date of decision: 01.06.2023

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Sunil Kumar Vashisth, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.708 dated 02.08.2018, registered at Police Station Model town, Panipat, under Section 346 IPC and Sections 201, 302, 34 and 379-B IPC (added later on), the earlier two bail petitions being dismissed as withdrawn on 22.09.2020 and 27.01.2021.

Learned counsel for the petitioner submits that it is a case of circumstantial evidence; that the petitioner was not named in the FIR and was indicted on the basis of disclosure statement of similarly placed co-accused Amit, who has already been granted bail. It is further submitted that the attribution to the petitioner is that he had caught hold of the arm of Ashok (since deceased), whereas fatal injuries had been attributed to co-accused

Vinod, who has already been granted bail; that as far as other three cases against the petitioner are concerned, he is on bail in those cases and that in the present case, the petitioner has been in custody since 02.08.2018, i.e. more than 04 years and 09 months.

Per contra, learned State counsel, while opposing the prayer and submissions of the learned counsel for the petitioner, submits that the FIR was registered on the complaint of Sunita (wife of the deceased) and as per the allegations, the petitioner along with other co-accused had hired the taxi of the deceased and while returning from Haridwar to Panipat, all the accused after stopping the taxi had strangled the deceased and thereafter, threw his dead-body into the canal. It is further submitted that the petitioner is a habitual offender and is facing trial in 03 more cases, i.e. 02 cases under IPC and 01 under the Arms Act and that the material witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The case is based on circumstantial evidence. The petitioner was not named in the FIR. The petitioner was indicted on the disclosure statement of similarly placed co-accused Amit, who has already been granted bail. The petitioner has been in custody since 02.08.2018 i.e. more than 04 years and 09 months. Seven prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. In other three cases, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.06.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No