

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+214

CRM-M-8733-2023 (O&M)
Date of Decision: 18.10.2023

Deepak
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

VIKAS SURI, J.

CRM-44196-2023

This is an application under Section 482 Cr.P.C. for placing on
record statements of PW-2 to PW-4 as Anenxures P-4 to P-6.

Notice of the application.

Mr. Gurbir S. Dhillon, A.A.G., Haryana, accepts notice on
behalf of the respondent-State and pleads no objection to the same being
taken on record.

For the reasons mentioned in the application and the
submissions noticed above, same is allowed. Annexures P-4 to P-6 are
taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-8733-2023

[1] The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.199 dated 10.09.2020, under Sections 307, 34 and 384 IPC and Section 25 of the Arms Act, 1959 (later Section 394 IPC was added and Sections 384 & 34 of the IPC deleted), registered at Police Station City Safidon, District Jind.

[2] Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the case; he was not named in the FIR as the same was registered against unknown persons; petitioner was arrested in this case on 03.08.2021 and since then, he is in custody; and co-accused of the petitioner namely Happy has already been granted the benefit of regular bail by this Court vide order dated 20.07.2022 passed in CRM-M-30101-2022, titled *Happy vs. State of Haryana*. It is further submitted that the complainant, injured and eye-witness appeared before the trial Court and stand examined as PW-2, PW-3 and PW-4 respectively but they have not identified the petitioner to be one of the persons who attacked the injured Rohtash (PW-3). Learned counsel, thus, submitted that no useful purpose would be served by keeping the petitioner behind bars.

[3] Learned State counsel has filed the custody certificate of the petitioner dated 17.10.2023 in Court today and opposed the present petition for grant of regular bail by stating that the petitioner is a habitual offender and is involved in three other cases under various provisions of Indian Penal Code and one under the Excise Act. However, he could not dispute the fact that the petitioner is on bail in two of the three cases under IPC and stands

convicted in the case under the Excise Act.

[4] Heard learned counsel for the parties.

[5] Keeping in view the totality of the facts and circumstances that the petitioner was not nominated by name in the FIR; he is in custody since 03.08.2021; his co-accused Happy has since been granted the concession of regular bail by this Court; complainant, injured and eye-witness have failed to identify the petitioner while testifying before the trial Court; and that conclusion of trial is likely to take long time, no useful purpose would be served by keeping him behind bars for an indefinite period.

[6] Accordingly, the instant bail petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.

[7] It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.

[8] The observation made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

October 18, 2023
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(VIKAS SURI)
JUDGE

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