

(231)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8986-2023
Date of Decision: 27.02.2023

MUKESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.123 dated 24.04.2021 registered under Section 302, 201, 34 IPC, 1860 at Police Station Beri, District Jhajjar.

2. The present FIR came to be registered at the instance of Daljit son of Mukhtiar Singh who stated that he was a farmer. On 23.04.2021 at night his son Manjit had consumed liquor and was sitting in front of a deity. At that time, a resident of Village Brahana was passing through and his son stopped that person and asked him what he was doing at Village Gochhi at night. The person belonging to Village Brahana stated that his vehicle had broken down. However, his (complainant's) son said that he (resident of Brahana) was not a good person. On this, there was a fight between them and 10/20 boys from Village Brahana were called who stated that they would not

spare his (complainant's) son. All these things were stated in front of him (complainant). Thereafter, his (complainant's) son was found in an unconscious condition. He (complainant) suspected that his son had been killed by the residents of Village Brahana.

During the course of investigation, the petitioner was arrested on 01.05.2021 and the recovery of his own mobile phone was effected from him.

The complainant got recorded his supplementary statement on 01.05.2021 naming two more persons i.e. Jatin and his sister-in-law Rekha. The co-accused Jatin was arrested while his sister-in-law was placed in Column No.2 of the report under Section 173 Cr.P.C.

3. The learned counsel for the petitioner contends that the statement of Daljit (complainant) was recorded and he has, while identifying Jatin stated that accused Mukesh (petitioner) was not present at that time of the occurrence. He had not committed any crime. It is thus his contention that so far as the petitioner is concerned, since he was in custody since 01.05.2021 and only 02 out of the 26 prosecution witnesses had been examined so far, he was entitled to the grant of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is duly named in the supplementary statement of the complainant. He, however, does not dispute the fact that the complainant has not named the petitioner during the course of Trial.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of Trial. Admittedly, the petitioner has been in custody since 01.05.2021. Two material witnesses already stand

examined out of the 26 cited in the list of witnesses. Therefore, as the petitioner has clean antecedents and the complainant has not named him as an assailant, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mukesh Kumar son of Tarif Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the present case.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.02.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No