

CRM-M-10745-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 07.11.2023

AMIT ALIAS MITI ...Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.S.Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C., for grant of bail pending trial in case FIR No.320 dated 28.06.2019, registered under Sections 302, 148 and 149 IPC, at Police Station Barwala, District Hisar.
2. Status reports dated 14.07.2022 and 16.09.2022 filed by way of affidavits of Raj Kumar, Inspector, Investigation Officer, SHO, P.S. Barwala are taken on record.
3. It is submitted by learned Senior Counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the only attribution to the petitioner is giving fist blows to the deceased. The investigation of case is already over and, therefore, the petitioner is not required for any investigation purposes. The petitioner is in

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custody since 18.07.2019. Despite that, the prosecution has examined only 11 witnesses, out of 22 prosecution witnesses. The trial is not likely to be concluded in near future. Hence, the petitioner deserves to be released on bail pending trial.

4. On the other hand, learned State counsel, on instructions from the concerned police official, submits that the petitioner was one of the participants, who had caused the death of two persons by giving them beatings. The cause of death is the beatings given by the petitioner and his co-accused. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed that as per the story of the prosecution, the petitioner is alleged to have given only fist blows and not used any weapon, as such. It is also not disputed that the petitioner is in custody since 18.07.2019 and that only 11 prosecution witnesses have been examined so far.

5. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

07.11.2023

parveen kumar

(RAJBIR SEHRAWAT)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No