

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(213)

CRM-M-11966 of 2023
DATE OF DECISION:-29.03.2023

Akash Singh

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhishek Sethi, Advocate, for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.333 dated 26.12.2021 under Sections 323, 325, 320 & 34 IPC (Since registration of FIR, Sections 506, 147/149 IPC have been deleted and Sections 325, 302/34 have been added), registered at Police Station Chhappar, District Yamuna Nagar.

As per allegations levelled against the petitioner, he was involved in murder of one deceased Narinder Singh. Learned counsel for the petitioner submits that investigation in the present FIR already stands concluded with the filing of *challan* followed by framing of charges. There are four different versions given by the real brother of the deceased at different stages during investigation and trial. While referring to Annexure P-1 i.e. MLR of the deceased, learned counsel for the petitioner submits that the version given by the brother of the deceased was of alleged history of fall on road. To the contrary, at the time of giving history while preparation of post mortem report, the version recorded was about an accident on

account of sudden stray dog coming in front of vehicle of the deceased. Again while getting the statement recorded under Section 175 Cr.P.C., the brother of the deceased stated that the injuries were sustained by the deceased in a feud, Although, while appearing as PW-9, the version recorded was that the deceased was thrashed by accused Akash and Deepak. Referring to the aforesaid four different versions given by brother of the deceased, learned counsel for the petitioner submits that at this stage when the investigation already stands concluded, the petitioner is entitled to be enlarged on bail.

On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that out of 16 witnesses as cited by the prosecution, 10 have been examined and the trial is at its fag end. He also points out that the remaining prosecution witnesses have been bound down for the next date of hearing i.e. 19th, 20th and 21st of April, 2023. Learned State counsel also points out that the statement of brother of the deceased directly point out towards the involvement of the petitioner to the alleged incident.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that four different versions have been given by the brother of the deceased at four different stages of investigation as well as during trial and the fact that the investigation already stands concluded, besides, considering the custody period of the petitioner who is languishing in jail for the past 1 year, 2 months and 12 days, there does not appear to be any justification for extending the further incarceration of the

petitioner. Besides it, as pointed out by learned counsel for the petitioner the trial is likely to take some time as the petitioner has already moved an application for recalling of PW-2 wherein, notice has already been issued for 19.04.2023, thus petitioner is allowed the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

29.03.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No