

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12479-2023

Date of Decision: 29.5.2023

Surjeet Singh @ Shiva

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lakhwinder S. Lakhanpal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.40 dated 9.2.2020 registered for the offences punishable under Sections 302, 307, 34 IPC (Sections 216, 120-B IPC added later on) and Section 25 of Arms Act at Police Station Hisar Civil Line, Hisar.

2. Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and during investigation, one mobile phone is stated to have been recovered at the instance of the petitioner who is in custody for the last more than 3 years and 2 months. He further submits that during trial, all the material witnesses have turned hostile and copies of their depositions are Annexure P-2 (collectively). He further submits that it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

3. Present petition is resisted by the State counsel who submits

that the petitioner is not entitled to concession of bail at this stage when the trial is going on. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 3 years and 2 months and during investigation, no objectionable article was recovered at the instance of the petitioner. State counsel has also not refuted the fact that all the material witnesses have failed to support the case of the prosecution and on that very ground, co-accused/Yash is already granted bail vide order dated 6.2.2023 (Annexure P-3).

4. I have considered the submissions made by the counsel for the parties.

5. Admittedly, the petitioner was not named in the FIR and during investigation, nothing material was recovered from his possession and during trial, main prosecution witnesses have failed to support the case of the prosecution and copies of their depositions are Annexure P-2 (collectively). In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 29, 2023
Paritosh Kumar

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