

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

(215)

CRM-M-14947 of 2023
DATE OF DECISION:-29.03.2023

Harish Chand

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepam Raghav, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A. G., 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.0054 dated 24.02.2019 under Sections 302, 201, 377, 511 IPC 1860, registered at Police Station Farrukhnagar, Gurugram.

The allegation against the petitioner in the FIR is of his involvement in the murder of one Shamsher. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* on 24.04.2019 followed by framing of charges on 21.05.2019. The petitioner is languishing in jail for the past more than 4 years now. He further submits that the material witnesses namely Karamveer and Deshraj have been given up by the prosecution, thus, no useful purpose is going to be served by extending the incarceration of the petitioner any further, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that ample evidence has been collected

by the prosecution so as to justify the implication of the petitioner in the alleged occurrence. He further submits that mother of the deceased has already appeared as PW-7 and has supported the prosecution version.

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.

The investigation in the present case already stands concluded with the filing of *challan* on 24.04.2019 followed by framing of charges on 21.05.2019. Petitioner is already languishing in jail for the past more than 4 years now and as such, no useful purpose is going to be served by extending his further incarceration, particularly in view of the fact that the material witnesses namely Karamveer and Deshraj have already been given up the prosecution, thus, the petitioner deserves 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