

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

207

CRM-M-15581-2022

Date of decision: 17.01.2023

Sukhjeet @ Nikka

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana
assisted by SI Satpal.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.139 dated 26.03.2018 lodged under Sections 148, 149, 323, 324, 452, 302 and 506 of the IPC registered at Police Station Farakpur, District Yamuna Nagar.

While inviting the attention of this Court to the FIR which has been annexed as Annexure P-1, learned counsel for the petitioner submits that as many as 10 accused had been named therein, however, during investigation the petitioner was found innocent by the investigating agency and placed in column No.2. It was subsequently on an application moved by the complainant under Section 319 of the Cr.P.C., the petitioner was summoned to face trial as an additional accused. He submits that the petitioner has been in custody since 08.03.2022 and only 04 out of the 34 prosecution witnesses cited, have been examined so far, hence, there is no likelihood of the trial concluding in the near future. It has, thus, been submitted that the petitioner be admitted to bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions has submitted that there are serious allegations levelled against the petitioner of having actively participated in the crime in question along with the other accused and inflicted an injury on the arm of the deceased with a sword.

I have heard learned counsel for the parties and perused the material placed on record.

It is not disputed that the petitioner was declared innocent during investigation and placed in column No.2. It was only subsequently on an application moved under Section 319 of the Cr.P.C., the petitioner was summoned to face trial as an additional accused. Concededly, the petitioner was not arrested during investigation when he perhaps would have had ample opportunity to tamper with evidence or even influence witnesses. A denovo trial has commenced and as many as 30 prosecution witnesses out of the 34 cited remain to be examined. The State has been unable to make out a strong case against the release of the petitioner on bail. Hence, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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