

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

(216)

CRM-M-15041 of 2023
DATE OF DECISION:-29.03.2023

Naveen alias Monu

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. V. P. Sangwan, 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.0056 dated 20.03.2021 under Sections 346 IPC (Sections 302, 365, 201, 34 IPC, 1860 added later on and Section 346 IPC deleted), registered at Police Station Badhra, District Charkhi Dadri.

In the present FIR, the petitioner has been implicated on account of alleged murder of one Dhillu and the FIR in question has been got registered by the brother of the deceased namely Ranvir. Learned counsel for the petitioner submits that investigation in the present case already stands concluded and the petitioner is already languishing in jail for the last more than 2 years now. He also points out that out of total of 35 witnesses as cited by the prosecution, 13 have been examined and trial is likely to take some time. Learned counsel also points out to the two different versions put forth by the prosecution while submitting that at the initial version, the petitioner had borrowed some money from the deceased which is the cause of murder whereas, later on, the story was changed while alleging that there

were illicit relation between the deceased and the mother of the petitioner namely Sunita which became the cause of murder. He also submits that the lady Sunita has already been granted concession of regular bail by the trial Court vide order dated 22.02.2022.

On the other hand, learned State counsel opposes the prayer made herein while submitting that prosecution has been able to lay its hand on sufficient reliable evidence so as to justify the involvement of the petitioner in the alleged offence.

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 the petitioner has already suffered incarceration for more than 2 years now and trial is likely to take some time as about 20 more prosecution witnesses are yet to be examined. More than that, at this stage aforestated two versions regarding motive as put forth by the prosecution are yet to face the test of scrutiny by the trial Court. Besides it, two of the material prosecution witnesses namely Sanjay PW-6 and Pawan PW-5 have not even supported the prosecution version. The testimony of the two witnesses was having material relevance to the prosecution case as before Sanjay PW-6, alleged extra judicial confession was made by the petitioner whereas, Pawan PW-5 has been cited as witness regarding the last seen, 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