

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107+222

CRM-M-14966 of 2023

Date of Decision:04.07.2023

Arun Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvindpal Singh Grover, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.421 dated 30.10.2020, under Section 365 IPC (Sections 364, 302, 201, 148, 149 and 120-B IPC added later on), registered at Police Station Adampur, District Hisar.

2. It is submitted by learned senior counsel for the petitioner that the petitioner is in custody from 30.10.2020 which is almost 2 years and 8 months. He submitted that as per the allegations, the deceased namely Deepak @ Bachhi was allegedly taken away by some unknown persons and two eye witnesses namely Ajmal and Aakash had stated that the deceased was taken away by some persons including the present petitioner. Later on the dead body of the aforesaid Deepak @

Bachhi was found in a pit. Learned senior counsel submitted that in fact the entire case is based upon either circumstantial or on the statements of the aforesaid Ajmal and Aakash, who have been examined. He submitted that both the aforesaid witnesses have not supported the prosecution version and the petitioner has clean antecedents and is not involved in any other case and has already faced incarceration for about 2 years and 8 months and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody for 2 years and 8 months and the aforesaid two eye witnesses have not supported the prosecution version. She has however submitted that the matter is serious in nature and therefore the petitioner is not entitled for the grant of regular bail. So far as the antecedents of the petitioner is concerned, she has submitted that the petitioner is not involved in any other case.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already suffered incarceration for 2 years and 8 months and five prosecution witnesses including the eye witnesses namely Ajmal and Aakash have already been examined. As per learned counsel for the parties, the aforesaid eye witnesses have not supported the prosecution version and the petitioner is stated to be not involved in any other case. Furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present

petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 04, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No