

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-16740 of 2023

Date of Decision:17.04.2023

Deepak

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Partap Singh, Advocate, with
Mr. Gourav Jangra, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

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.434 dated 07.11.2020, under Section 346 IPC (Sections 201, 302, 364 and 120-B IPC added and Section 346 IPC deleted later on), registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner submitted that the petitioner is in custody since 11.11.2020 which is about 2 years and 5 months and the petitioner has clean antecedents and is not involved in any other case. He submitted that even as per the prosecution, the main accused in the present case were Vikas @ Kashi, Deepak, Vinod and Rajan and so far as the other co-accused namely Ashok Kumar @ Shoki is concerned, he has already been extended the benefit of regular bail by a

co-ordinate Bench of this Court in CRM-M-40497 of 2022 on 11.04.2023. He submitted that the prosecution story is based upon circumstantial evidence on the ground that the mobile phone number and the booking of the hotel which was alleged to be a meeting point was in the name of the petitioner. He submitted that the recovery of a purse of the deceased from the petitioner has been shown while the petitioner was in police custody which does not have any evidentiary value. He further submitted that three prosecution witnesses have already been examined including one, namely, Sila Mistry who had allegedly repaired the Swift car which was seen in the CCTV camera and he has not supported the prosecution version. He submitted that since it is a case which is purely based upon the circumstantial evidence and considering the clean antecedents of the petitioner and also the long custody of the petitioner which is approximately 2½ years, he may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody for 2 years and 5 months and he has clean antecedents and is not involved in any other case. She has however opposed the grant of bail to the petitioner on the ground that the matter is serious in nature whereby the petitioner was actively involved in the conspiracy whereby a person was killed.

I have heard learned counsel for the parties.

The petitioner has already faced incarceration for two years and five months. Three prosecution witnesses have already been examined including the mechanic who had allegedly repaired the car but has not supported the prosecution version as per learned counsel for the petitioner.

During the course of arguments, it has been so stated by learned counsel for the parties that even the complainant has also been examined in the present case. The petitioner is stated to be not involved in any other case. The other co-accused namely Ashok Kumar @ Shoki has already been granted bail by a co-ordinate Bench of this Court on 11.04.2023. It is not the case of the State counsel that in case the petitioner is released on bail, then he may abscond from justice or may influence the witnesses especially in view of the fact that the complainant has already been examined.

In view of the facts and circumstances of the present case and particularly long custody of the petitioner, this Court is of the view that the petitioner deserves the concession of regular bail. 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.

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

April 17, 2023
dinesh

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