

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

CRM-M-16946-2022

Date of decision: 20.03.2023

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Sharmila Sharma,
Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed the present petition under Section 439 Cr.PC seeking regular bail in case FIR No.21 dated 11.01.2019 under Sections 323/325/307/302/506/34 IPC, 1860 registered at Police Station Sampla, District Rohtak (Annexure P-1).

Learned State counsel has filed the status report/reply dated 17.03.2023 by way of affidavit of Ms. Medha Bhushan, IPS, Additional Superintendent of Police, Sampla, District Rohtak, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

Learned counsel for the petitioner argues that the petitioner has wrongly been involved in the present case by the complainant whose son namely Rohit lost life. Learned counsel for the petitioner submits that the only allegations against the petitioner are that the petitioner had gone to the house of the victim and the victim came along with them but there is no evidence, which has come on record that the petitioner has acted in a manner which has resulted in the death of the victim. Learned counsel for the petitioner further submits

that the petitioner is behind the bars for the last two years and six months and keeping in view the fact that the complainant as well as other material witnesses have already been examined but as out of 23 cited witnesses, 15 witnesses have been examined, hence, the trial is likely to take some time before it concludes therefore, keeping in view the custody already undergone coupled with the fact that the material witnesses have already been examined, the petitioner may kindly be extended the concession of regular bail.

Learned counsel for the respondent-State concedes the fact that the petitioner is behind the bars for the last two years and six months as well as the fact that complainant and other material witnesses have already been examined. Learned counsel for the respondent-State also concedes the fact that only fifteen witnesses have been examined so far, out of total 23 cited. He further submits that co-accused namely Kapil has already been granted regular bail vide order dated 15.11.2022.

Learned counsel for the respondent-State also concedes the fact that the complainant in his testimony has accepted a fact that he was not an eye witness.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is behind bars for the last two years and six months. Co-accused has been granted bail and the complainant has already been examined and even as of now, out of total 23 cited witnesses, 15 have been examined and 08 are yet to be examined, hence, the trial is likely to take some time before it concludes coupled with the fact that the allegations alleged against the petitioner are yet to be proved on record, the petitioner has made out a case for the grant of regular bail especially when the petitioner has undertaken before this Court not to influence the trial or the

witnesses in any manner, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

20.03.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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