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

**CRM-M-20564-2023
Date of Decision: 02.05.2023**

Rajan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arvind Bansal, Advocate,
for the petitioners.

Mr. Nidhi Garg, 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 grant of regular bail to the petitioner in case bearing FIR No.434 dated 07.11.2020, under Section 346 IPC in which later on Sections 201, 302, 364 & 120-B IPC were added and Section 346 IPC was deleted, registered at Police Station Pundri, District Kaithal.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for 2 years and 6 months and now 3 out of 46 cited witnesses have been examined. He further submitted that the other two co-accused, namely, Ashok Kumar @ Shoki and Deepak, who are exactly at parity with the present petitioner have already been extended the regular bail in CRM-M-40497-2022 on 11.04.2023 and in CRM-M-16740-2023 on 17.04.2023 vide Annexures P-7 & P-8, respectively. He also submitted that the petitioner is having clean antecedents and is not involved in any other

case. He further submitted that the entire prosecution story is based upon the circumstantial evidence on the ground that the mobile phone number and the booking of the hotel were in the name of co-accused, namely, Deepak and he in consonance with the petitioner and the other co-accused, committed the offence. He also submitted that one of the witnesses, namely, Sila Mistry, who had allegedly repaired the Swift Car which was seen in the CCTV camera, has been examined and he has not supported the prosecution version. Learned counsel for the petitioner further emphasized that the entire case is based upon the circumstantial evidence and the trial of the case may take long time and now the petitioner has already faced incarceration for about 2½ years, and therefore, he may also be considered for the grant of regular bail.

3. On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that it is correct that the petitioner is in custody for 2½ years and he is not involved in any other case. She further submitted that it is also correct that the aforesaid co-accused, namely, Ashok Kumar @ Shoki and Deepak have already been extended the regular bail vide Annexures P-7 & P-8, respectively. She has not disputed the parity of the present petitioner with the aforesaid co-accused. She has however opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has already faced incarceration for 2½ years and 3 prosecution witnesses have already been examined. The other co-accused as aforesaid have already been extended the benefit of regular bail vide Annexures P-7 & P-8, respectively and they are at parity

with the present petitioner. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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 present petition.

02.05.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |