

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

237

CRM-M-20054-2023 (O&M)

Date of Decision: 06.07.2023

SACHIN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Davneet Sangwan, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.324 dated 26.10.2019, registered at Police Station Kunjpura, District Karnal, under Sections 302 and 201 IPC, the first one having been dismissed as withdrawn vide order dated 15.12.2020.

Status report by way of an affidavit dated 03.07.2023 of the Superintendent of Police Indri, Karnal, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner contends that, on the basis of disclosure statement of Babli (mother of the petitioner), the petitioner has falsely been implicated in the present case; that Babli is also a co-accused in the present case; that the petitioner has been in custody since 16.11.2019; that out of 22 prosecution witnesses, only 02 witnesses have been examined so far and that the complainant, namely, Seema,

(wife of deceased, namely, Salinder) has since expired.

Learned counsel for the petitioner further submits that out of two examined prosecution witnesses, one PW i.e. brother of the deceased has not supported the prosecution version and turned hostile and that, at the time of the alleged occurrence, the petitioner was 17 years of age.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner and the factum that the petitioner was 17 years of age when the occurrence took place. She, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had strangled the deceased, while he was working in the fields of Jagdish son of Zile Ram. She further submits that most of the prosecution witnesses are yet to be examined and thus, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

Though the allegation against the petitioner is that he had murdered the deceased by strangulating and thereafter, tried to destroy the body by throwing the same in the fields, yet the fact remains that the petitioner has been in custody since 16.11.2019. The body along with motorcycle was later on recovered on the disclosure statement of the petitioner. The petitioner was 17 years of age at the time of occurrence, yet he has been tried as an adult. Brother of the deceased, while appearing as PW before the Court below, has turned hostile. Complainant-Seema (wife of the deceased) has since expired. Most of the

prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.07.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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