

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

219

CRM-M-19338 of 2023

Date of Decision:07.08.2023

Raju @ Anda

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajinder Singh Bajwa, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.281 dated 22.12.2019, under Sections 302/34 of the IPC, registered at Police Station Sector-6 Bhadurgarh, District Jhajjar.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody from 29.12.2019 which is about three years, seven months and ten days. He submitted that seven prosecution witnesses have already been examined in the present case including the complainant. He submitted that the other co-accused, namely, Sunny @ Jhota and Akshay @ Bholu have already been extended the benefit of regular bail by a co-ordinate Bench of this Court vide CRM-M-33546 of 2020 on 04.11.2020 and CRM-M-20724 of 2021 on 17.11.2021 respectively. He submitted that as per the FIR the allegation against the petitioner

was that he had gone with the deceased and thereafter he was found in the hospital where the deceased was admitted after receiving injuries. He further submitted that in fact when the petitioner was going along with the deceased then another vehicle came from Delhi and the beatings were given to the deceased by the other two co-accused, namely, Akshay @ Bholu and Anil @ Soni. So far as the present petitioner is concerned, he had only taken the deceased to the hospital. He submitted that the petitioner is not involved in any other case and has clean antecedents and considering the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has stated that it is correct that the petitioner has already faced incarceration for about three years, seven months and ten days. She has however opposed the grant of bail to the petitioner on the ground that the petitioner was last seen with the deceased.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for about three years, seven months and ten days and seven prosecution witnesses have already been examined. Some of the co-accused have already been admitted to regular bail by this Court and by the learned trial Court. The petitioner is not involved in any other case and has clean antecedents. 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 may repeat the offence.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any

other case, 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

August 07, 2023
dinesh

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