

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

234

CRM-M-22580-2023 (O&M)

Date of Decision: 12.07.2023

Ankit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, 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, 1973 for grant of regular bail to the petitioner in case FIR No.358 dated 31.08.2020 registered under Sections 323, 341, 34 IPC (Sections 325, 302 and 120-B added later on) at Police Station Indri, District Karnal.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 8 months. He further submitted that it is a case where the father of the complainant died due to bike accident and roadside injuries, which was given the colour of murder. He submitted that the complainant has now since been examined and he has not supported the prosecution version and has rather stated that it was a case of road side

injury and has been declared hostile. He further submitted that now only one witness i.e. the complainant has been examined who has not supported the prosecution version and the petitioner has already faced incarceration for 2 years and 8 months. The trial of the case may take long time. He also submitted that co-accused namely, Arun @ Renu and Rohit have already been extended the benefit of regular bail by this Court vide Annexures P-7 and P-8.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is in custody for 2 years and 8 months and the complainant has now been examined who has not supported the prosecution version. She has however opposed the grant of bail on the ground that the mere fact that the complainant has been declared hostile does not entitle the petitioner for grant of bail. So far as the criminal antecedents of the petitioner is concerned, learned State counsel stated on instructions that the petitioner is not involved in any other case.

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

5. The petitioner is in custody for 2 years and 8 months and now the complainant has been examined. It is yet to be seen at the time of trial whether it was a case of murder or road side accident by way of adducing evidence. The other co-accused namely namely, Arun @ Renu and Rohit have already been granted regular bail by this Court vide Annexures P-7 and P-8. The complainant has not supported the prosecution version. The petitioner is stated to be not involved in any other case and is having clean antecedents, as per the learned counsel for the parties. Apart from the above, it is not 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 from justice or may influence any witness or tamper with any evidence.

6. In view of the aforesaid position, 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.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.07.2023

rajeev (rvs)

(JASGURPREET SINGH PURI)
JUDGE

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