

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-22942 of 2023

Date of Decision:17.07.2023

Parveen @ Nath

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. T.P. Singh, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

Mr. Rahul Jaswal, Advocate,
for the complainant.

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.464 dated 27.07.2018, under Sections 120-B, 148, 149, 195-A, 302, 506 IPC and 25 of the Arms Act (charges framed under Sections 120-B, 148, 149, 302, 216 IPC and Sections 25, 27 of the Arms Act), registered at Police Station Samalkha, District Panipat.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody from 05.11.2020 and six prosecution witnesses have already been examined including the complainant. He submitted that at the time of deposition by the complainant, he has specifically stated that although the name of the

petitioner was mentioned in the FIR that he accompanied the two co-accused who had fired upon the deceased but thereafter, after looking at the CCTV footage it was a case of mistaken identity and in fact it was not the present petitioner but it was another accused, namely, Jitender who was present and therefore so far as the present petitioner is concerned, the allegations against the petitioner were not supported by the prosecution witnesses including the complainant and rather on the other hand it was so stated that it is a case of mistaken identity. He further submitted that the petitioner is not involved in any other case and has clean antecedents and considering the aforesaid circumstances, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana as well as learned counsel appearing on behalf of the complainant have stated that at the time of deposition of the complainant, who is the eye witness, has specifically stated that it was a case of mistaken identity because the present petitioner was not the person who was present there and in fact on the basis of the CCTV footage, it was another accused, namely, Jitender who was present at the spot and it is also correct that the petitioner is not involved in any other case and has clean antecedents. He also stated that six prosecution witnesses have already been examined.

4. I have heard learned counsel for the parties.

5. The petitioner in the present case is in custody from 05.11.2020. As per all learned counsel for the parties, it is a case of mistaken identity with regard to the petitioner. Six prosecution witnesses have already been examined. The petitioner is stated to be not involved in any other case and also 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

July 17, 2023
dinesh

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