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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22605-2023 (O&M)
Date of decision: 09.10.2023

ARJUN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J. P. Jangu, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Rahul Vats, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.91 dated 22.06.2021, under Sections 147, 149, 323, 341, 427 and 506 of the IPC (Sections 34, 148, 302 and 120-B of the IPC added later on), registered at Police Station Bahin, District Palwal, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 15.12.2022, which is almost 9 months and 24 days and some of the material witnesses have been examined including the complainant. He further submitted that during the course of deposition, the complainant has not supported the prosecution version and was thereafter declared hostile. He

further submitted that the name of the petitioner surfaced on the basis of supplementary statement of the complainant and apart from the present petitioner, even the other co-accused, namely, Pawan, whose name was also nominated on the basis of supplementary statement of the complainant has already been extended the benefit of regular bail by a Coordinate Bench of this Court in CRM-M-2949-2022 on 29.03.2022 (Annexure P-13). He also submitted that the petitioner is at parity with the aforesaid co-accused and he is not involved in any other case and considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has opposed the grant of regular bail to the petitioner and submitted that it is correct that the petitioner is in custody for 9 months and 24 days and some of the material witnesses have been examined including the complainant but it is a case which has high magnitude and due to the gravity of the offence, the petitioner is not entitled for grant of regular bail. She further submitted that in the present case, the nephew of the complainant was attacked by number of persons including the present petitioner and the other co-accused, namely, Pawan, who has been extended the benefit of regular bail as aforesaid and thereafter he received grievous injuries and ultimately he unfortunately died. She further submitted that the petitioner was also a part of the gang which had attacked the deceased. She also submitted that the mere fact that the complainant, who was the uncle of the deceased did not support the prosecution version at the time of trial would not mean that the petitioner is entitled for the grant of regular bail in view of the other factors which are much more important. She further submitted that the aforesaid co-accused, namely, Pawan with whom the present petitioner

claims parity was granted regular bail by a Coordinate Bench of this Court on 29.03.2022 as aforesaid. She further submitted that after the aforesaid co-accused, namely, Pawan was released on bail, he attacked and killed the father of the deceased, namely, Rajbir Singh and an FIR was lodged in this regard against him. She also submitted that it appears that pressure is being created by the accused persons and the fact that the aforesaid co-accused, who was admitted to regular bail by a Coordinate Bench of this Court killed the father of the deceased itself would become a good ground for denial of bail to the present petitioner because in view of the aforesaid facts and circumstances of the present case, the petitioner cannot claim parity with the aforesaid co-accused, namely, Pawan.

4. Mr. Rahul Vats, Advocate for the complainant submitted that it is correct that the complainant has not supported the prosecution version at the time of trial.

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

6. The petitioner is stated to be in custody for almost 9 months and 24 days and some of the witnesses have been examined including the complainant and as per the learned counsel for the parties, the complainant has not supported the prosecution version. However, another fact has been brought to the notice of this Court by the learned State counsel that after the aforesaid co-accused, namely, Pawan was granted regular bail by a Coordinate Bench of this Court as aforesaid, he attacked and killed the father of the deceased.

7. Therefore, this Court is of the view that considering the aforesaid totality and circumstances of the present case and also considering the gravity

of offence and the aforesaid peculiar facts and circumstances, the petitioner does not deserve the concession of regular bail.

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

9. The miscellaneous applications, if any, shall also stand disposed of with the final disposal of the present matter.

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

09.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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