

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-24668-2023
Date of Decision: 27.07.2023

Vinod ...Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. G.S.Sandhu, Advocate for petitioner.
Mr. Sharad Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner – **Vinod** in case FIR No.434 dated 07.11.2020 under Section 346 IPC (Sections 120B, 201, 302 and 364 IPC were added later on, whereas Section 346 IPC was deleted), registered at Police Station Pundri, District Kaithal.

In compliance of order dated 11.07.2023, status report by way of affidavit dated 08.07.2023 of Amit Kumar, Deputy Superintendent of Police, Kaithal, along with Annexures R/1 to R/3 filed today in the Court on behalf of respondent-State, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth

therein. Petitioner was not named in the FIR, whereas his name surfaced for the first time only on the basis of hearsay statement of Sila Mistry @ Sunil Kumar. As a matter of fact, above said Sila Mistry @ Sunil Kumar, while stepping into witness-box as PW-3 has failed to support the prosecution version. There was no motive for the petitioner to commit the alleged offence and the case is entirely based upon circumstantial evidence. Petitioner is not involved in any other case. Petitioner is languishing in custody since 30.11.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. Four prosecution witnesses including father of victim-deceased have already been examined. Co-accused namely Ashok Kumar @ Shoki, Deepak, Rajan and Vikas @ Kashi have already been extended the concession of regular bail by this Court, vide orders dated 11.04.2023, 17.04.2023, 02.05.2023 and 14.07.2023 passed in CRM-M-40497-2022, CRM-M-16740-2023, CRM-M-20564-2023 and CRM-M-26834-2023 respectively. Since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as status report filed by respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 30.11.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court; testimonies of four prosecution witnesses including father of victim-deceased have already been recorded; co-accused namely Ashok Kumar @ Shoki, Deepak, Rajan and Vikas @ Kashi have already been extended the concession of regular bail by this Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner – **Vinod** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kaithal, as the case may be.

(LALIT BATRA)
JUDGE

27.07.2023

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No