IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(209) **CRM-M-25919 of 2023**
DATE OF DECISION:-26.05.2023

Pawan ...Petitioner

vs.

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Y. D. Kaushik, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Balwinder Sangwan, Advocate, for the complainant.

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HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.21 dated 21.01.2021 under Sections 302, 201, 120-B, 34 IPC (Section 120-B of IPC, added lateron) registered at Police Station Chand Hut, District Palwal (Haryana).

(2) As per allegations levelled against the petitioner in the FIR, he along with one Pawan Prajapat murdered Ritu.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded and even the material witness i.e. eye-witness and complainant have already been examined, post framing of charges. He further submits that there is variance between the version of eye-witness and the postmortem report and considering the custody part, the petitioner deserves the concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that the petitioner with the aid of his co-accused murdered Ritu and considering the nature of offence as well as the manner in

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which it was given effect to, petitioner does not deserve the concession of regular bail.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner is in custody for a period of 2 years and 4 months now and the investigation in the present case already stands concluded, besides it, even the eye-witness as well as the complainant already stand examined. A version of the statement of eye-witness in comparison with the postmortem report shows that the both are at variance as in the postmortem report cause of death has been shown as strangulation whereas eye-witness is totally silent in this aspect in his examination-in-chief. Besides it, the petitioner being young boy of 31 years of age with no criminal antecedents, I do not deem it appropriate to extend the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail particularly when out of 24 witnesses cited by the prosecution only 3 has been examined so far.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. Considering the fact that charges in the present case were framed on 09.09.2021, the trial Court is requested to expedite the trial.

26.05.2023 **(HARKESH MANUJA)**
anil **JUDGE**

whether speaking/reasoned: Yes/No
whether reportable: Yes/No

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