

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26834-2023 (O&M)

Date of Decision: 14.07.2023

Vikas @ Kashi

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sachin Gupta Ladwa, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.434 dated 07.10.2020, under Sections 201, 302, 364, 120-B IPC, (Section 346 IPC was deleted), registered at Police Station Pundri, District Kaithal.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 8 months and now four witnessess including the father of the deceased have also been examined. He further submitted that the other co-accused namely, Ashok Kumar @ Shoki, Deepak and Rajan have already been extended the benefit of regular bail by this Court vide Annexure P-7 to P-9. He further submitted that petitioner is not involved in any other case and has got clean antecedents and considering the long custody of the petitioner and the fact that the trial of the case may take long time, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has

submitted that although the petitioner is in custody for 2 years and 8 months but he is not entitled for the grant of regular bail because he was the main accused. He submitted that the petitioner is not at parity with the aforesaid three co-accused and therefore, has opposed the grant of regular bail.

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

5. It is a case where the other aforesaid three co-accused have already been extended the benefit of regular bail by this Court vide Annexure P-7 to P-9. This Court does not wish to go into the parity of the petitioner with the other three co-accused but at the same time, this Court would certainly consider the custody of the petitioner which is stated to be 2 years and 8 months. The petitioner is stated to be not involved in any other case and four witnesses including the father of the deceased have already been examined.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, 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.

8. 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.

14.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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