

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

206

CRM-M-30760-2022 (O&M)

Date of decision: 23.01.2023

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Veena Hooda, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 293 dated 09.11.2019, registered under Section 302 IPC, at Police Station Badli, District Jhajjar. The first bail petition was dismissed as withdrawn on 06.01.2021.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present; that at the time of alleged occurrence, the petitioner was a juvenile and was of 16 years of age; that the petitioner has been in custody since 13.11.2019 i.e. more than 03 years and 02 months; that Satpal (PW-1), in cross-examination has stated that he do not know, who as murdered Sushil Kumar @ Pappu @ Dikkat or how he has died; that Mandeep (PW-2) owner of the field, has stated that he found dead body of 35-40 years old person wearing white clothes; that PW-1 and PW-2 are not the eye witnesses; that Suraj (PW-3), owner of the Banquet Hall, has stated that CCTV footage was extracted from his DVR and his signatures were taken on blank papers; that out of 23 prosecution witnesses, only 06 have

been examined so far. The first bail petition was dismissed as withdrawn on 06.01.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence. The petitioner has committed the murder of Sushil Kumar @ Pappu @ Dikkat, aged 45 years and in the CCTV Footage, the petitioner was seen with Sushil Kumar @ Pappu @ Dikkat on the place of occurrence. However, he does not dispute the custody period of the petitioner. He submits that out of 23 prosecution witnesses, 06 have already been examined.

I have heard the learned counsel for the parties and have also gone the case file.

The petitioner has been in custody since 13.11.2019. Though the petitioner was juvenile at the time of occurrence, but he was tried as an adult. PW-1 and PW-2 are not the eye-witnesses. Signatures of PW-3 were taken on the blank papers. Remaining 17 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and custody period of the petitioner, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.01.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No