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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M No.31474 of 2023 (O&M)****Date of Decision:31.08.2023**

Chintu

..... **Petitioner**V/s.

State of Haryana

.....**Respondent****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Mahavir Singh Sharma, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is the first petition filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.378 dated 25.06.2022, under Section 302, IPC registered at Police Station Gohana City, District Sonipat.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 12.07.2022 which is almost 01 year and 01 month and now 07 prosecution witnesses (PWs) out of total 17 prosecution witnesses have been examined. He submitted that as per the allegations, the father of the complainant who was addicted to alcohol had gone out from the house and thereafter he was found dead on the next date. He submitted that it was after period of 10 days that the name of the petitioner was nominated on the basis of suspicion

and last seen theory. He further submitted that his name was nominated on the ground that the petitioner was seen few days before his death, making an altercation with the deceased son of the complainant which is based upon total suspicion. He further submitted that now the material witnesses have been examined and therefore, the petitioner may be considered for grant of concession of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 12.07.2022 and it is a case where as per the allegations in the FIR, the deceased was drinking alcohol and later on he was found dead. He has however submitted that later on during investigation, the deceased was found with *parna* and as per the FSL opinion, his strangulation cannot be ruled out. He has however submitted that 10 prosecution witnesses are yet to be examined by now.

4. I have heard the learned counsel for parties.

5. The petitioner is in custody from 12.07.2022 and only 07 PWs out of total 17 PWs have been examined so far. It is a case where petitioner is in custody based upon suspicion and circumstantial evidence and thereafter on the basis of last seen theory, the petitioner's name was nominated. It is yet to be seen at the time of trial, as to whether there was direct connection of the petitioner with the alleged offence or not.

6. 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, if not required in any other case.

7. 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.
8. Since the main petition has been allowed, all the pending application(s) also stand(s) disposed of.

31st August, 2023

Sonia Puri

(JASGURPREET SINGH PURI)
JUDGE

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