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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33990-2023 (O&M)
Date of Decision: 26.07.2023

Sarjeet

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Garg Dhuriwala, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.301 dated 28.04.2021, under Sections 147,148, 149, 302, 323, 506 IPC, registered at Police Station Sadar, District Hisar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 22.05.2021 which is more than 2 years and 2 months and 6 witnesses including the material witnesses, the complainant and the mother of the complainant have been examined. He submitted that so far as the role of the present petitioner is concerned, as per the allegations contained in the FIR, he had given a reverse side of axe blow on the injured and thereafter when the complainant and his mother deposed before the Court there were material discrepancies in the statement and so far as the mother of the complainant is

concerned, who was an eye witness has stated that although the petitioner was present at that time but there is no direct role attributable him. He further submitted that petitioner is not involved in any other case and has got clean antecedents and he has already faced incarceration for more than 2 years and 2 months and even otherwise also the alleged injuries were caused not on the deceased but on the injured person and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that six witnesses including the complainant and the mother of complainant who were the material witnesses have been examined. He also submitted that the role attributable to the petitioner was giving of injuries to the injured and not on the deceased. He submitted that it is also correct that the petitioner is not involved in any other case. He has however opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature wherein one person was killed.

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

5. It is a case where the petitioner has already faced incarceration for 2 years and 2 months and six witnesses including the complainant and the mother of the complainant have been examined. The petitioner allegedly gave injuries on the injured and not on the deceased as per the learned counsel for the parties. The petitioner is stated to be not involved in any other case. The trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

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.

26.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No