

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.201)

CRM-M No.35799 of 2022 (O&M)

Date of decision : 18.07.2023

Mahesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sandeep Gahlawat, Advocate for the petitioner.
Mr. Saurabh Mohunta, DAG, Haryana.
Mr. Vikrant Rana, Advocate for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.371 dated 14.10.2019 registered under Sections 302, 323 and 324 IPC at Police Station Beri, District Jhajjar.

(2) The petitioner is being prosecuted for the murder of Jai Singh.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has suffered actual custody for 03 years, 8 months and 11 days; the petitioner was granted interim bail which concession he did not misuse; all the material prosecution witnesses in the petitioner's trial have been examined and that since 14 prosecution witnesses still remain to be examined, the petitioner's trial will take a long time to conclude.

(4) Learned State counsel as also learned counsel for the complainant do not dispute the petitioner's custody period as also that all the material prosecution witnesses stand examined in the petitioner's trial but oppose the grant of bail to the petitioner on the ground that on an earlier occasion threats have been issued on his behalf to the material prosecution witnesses for which an FIR was lodged against the petitioner and his family members.

(5) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(6) The petitioner has suffered actual custody for 03 years, 08 months and 11 days; all the material prosecution witnesses in the petitioner's trial stand examined; while the petitioner was on interim bail he did not misuse such concession; the allegations against the petitioner with regard to having played a role in issuance of threats to the material prosecution witnesses is still to be examined during the course of trial in that case; in any case, in the instant case, all the material prosecution witnesses stand examined and that since 14 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

(7) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jhajjar, the petitioner is directed to be released on bail.

(8) It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the

phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

(9) It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

18.07.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No