

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-35045 of 2023

Date of Decision:26.07.2023

Jitender

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sukesh Kumar Jindal, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. Ajay Kadyan, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.101 dated 05.02.2022, under Section 302 IPC, registered at Police Station Samalkha, District Panipat.

2. It is submitted by learned counsel for the petitioner that in the present case the petitioner is in custody from 25.04.2022 which is almost 1½ years and now 14 prosecution witnesses out of 22, including all the material witnesses have been examined. He submitted that the deceased was the wife of the petitioner who was drowned alongwith a car and as per the prosecution, the petitioner had thrown the car into the canal. He submitted that at the time of deposition of some of the witnesses who are the relatives of the deceased no offence is made out so far as the

present petitioner is concerned since the story put forward by the prosecution was at variance with the deposition of the other prosecution witnesses including the material witnesses. He further submitted that be that as it may, the petitioner has already faced incarceration for about 1½ years and now all the material prosecution witnesses i.e. 14 out of 22 prosecution witnesses have already been examined. No useful purpose would be served in case the custody of the petitioner is perpetuated particularly in view of the fact that the entire case is based upon circumstantial evidence only.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that it is correct that the petitioner has already faced incarceration for about 1½ years and it is also correct that 14 prosecution witnesses out of 22, including all the material witnesses have already been examined. He has however opposed the grant of bail to the petitioner on the ground that he is involved in one more case under Section 420 IPC.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for about 1½ years and 14 prosecution witnesses out of 22, including all the material witnesses have already been examined. The present case appears to be based upon circumstantial evidence. The mere fact that the petitioner is involved in one case under Section 420 IPC would not disentitle the petitioner for grant of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 26, 2023

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