

2023:PHHC:099944

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36772-2023
Date of decision: 03.08.2023

SHUBHAM ALIAS SHIVAM

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ashish Jhamb, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 1194 dated 20.12.2017, under Sections 148, 149, 323, 379-B, 506 IPC and Section 25/54/59 of the Arms Act (Sections 307, 302, 323, 379-B IPC added later on), registered at Police Station Saran, District Faridabad, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for more than 5 years and 6 months and 17 out of total 31 cited witnesses have been examined. He submitted that now the prosecution has moved an application under Section 311 Cr.P.C, which is still pending and the trial of the case will take long time. He further submitted that the petitioner has already faced incarceration of more than 5 years and 6 months and, therefore,

2023:PHHC:099944

the petitioner may be considered for the grant of regular bail. He further submitted that it is the case where even otherwise also the only role attributed to the petitioner was of giving leg and fists blows to the deceased. He further submitted that the petitioner has been falsely implicated in the present case and he is having no criminal antecedents and is not involved in any other case. He has referred to Annexure P-9, wherein the other co-accused, namely, Ritik @ Rankit, who is at parity with the petitioner has been granted the benefit of regular bail by a Coordinate Bench of this Court in CRM-M-23556 of 2023 on 16.05.2023. He further submitted that in view of the aforesaid facts and circumstances and especially considering the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that the petitioner is in custody for more than 5 years and 6 months and 17 out of total 31 cited witnesses have been examined till date. He further submitted that there is specific role attributed to the petitioner that he has given leg and fists blows to the deceased.

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

5. The petitioner has already faced incarceration of more than 5 years and 6 months. He is stated to be not having any criminal antecedents and is not involved in any other case. The other co-accused, namely, Ritik @ Rankit has already been extended the benefit of regular bail by a Coordinate Bench of this Court and is stated to be at parity with the present petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he

2023:PHHC:099944

may influence any prosecution witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the case especially in view of the long custody of the petitioner, which is stated to be of more than 5 years and 6 months, 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 bonds 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.

03.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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