

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

223

CRM-M-37956 of 2023**Date of Decision:09.08.2023**

Sandeep

....Petitioner

Versus

State of Haryana

.....Respondent

2)

CRM-M-37985 of 2023

Vishnu @ Kaliya

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sushil Sheoran, Advocate,
for the petitioner(s)

Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since both arise out of the same FIR and the prayer made in both these petitions is for grant of regular bail.

2. Both these petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner(s) in FIR No.312 dated 27.10.2022, under Sections 120-B, 148, 149, 302, 307, 323, 325, 506, registered at Police Station Badhra, District Charkhi

Dadri.

3. Learned counsel appearing on behalf of the petitioner(s) has submitted that both the petitioners are in custody for about ten months and the investigation of the case has already been completed and the final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. He submitted that now the case is fixed for prosecution evidence but no prosecution witness has been examined so far. He submitted that so far as the petitioner Sandeep (in CRM-M-37956 of 2023) is concerned, there is no role attributable to him even as per the FIR, nor he was named in the FIR and it was only on the disclosure statement that he was named in the FIR and so far as the petitioner Vishnu @ Kaliya is concerned, although he was named in the FIR but during investigation it was found that he had not inflicted any injury but he was making the video. He submitted that in view of the aforesaid position, they may be considered for the regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that it is correct that both the petitioners are in custody for about ten months and the investigation of the case has been completed and the *challan* has been presented to the competent Court but no prosecution witness has been examined till date. He submitted that the complainant and the eye witnesses are the material witnesses and they are yet to be examined and furthermore no prosecution witness has been examined so far. He further submitted that it is a case where as per the allegations one Vishal had a fight with the complainant and thereafter about 10-15 people came and caused injuries to the deceased and the role

was attributable to both the petitioners. He opposed the grant of bail to both the petitioners in view of the fact that the complainant and the eye witness have not been examined till date and there is an apprehension that in case the petitioners are released on bail then they may influence the witnesses.

5. I have heard learned counsel for the parties.

6. Both the petitioners are stated to be in custody for about ten months. As per learned State counsel, no prosecution witness has been examined till date. The name of the petitioner, namely, Sandeep was nominated on the disclosure statement but that of Kaliya was so mentioned in the FIR and the allegation against him was that he had also caused injuries to the deceased. This Court does not wish to make any observation on the merits of the case but only considering the fact that not even a single witness has been examined in the present case, both the petitioners do not deserve the concession of regular bail at least at this stage. The apprehension expressed by learned State counsel cannot be ignored and carries weight. Consequently, both the petitions are dismissed.

7. 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 these two petitions.

(JASGURPREET SINGH PURI)

JUDGE

August 09, 2023

dinesh

Whether speaking : Yes/No

Whether reportable : Yes/No