

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40261-2022

Date of Decision: 20.4.2023

Sandeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.444 dated 30.11.2020 registered for the offences punishable under Sections 364 IPC (Sections 148, 149, 302, 323, 120-B, 506 IPC added later on) at Police Station Jind Sadar, District Jind.

Counsel for the petitioner has submitted that the present case is relating to murder of Deepak and as per prosecution version, one Sahil also sustained injuries at the time of the occurrence. He further submits that complainant-Maya while appearing in the witness box as PW3 and the aforesaid eye witness namely Sahil while appearing in the witness box as PW4, have not supported the case of the prosecution and that the petitioner is in custody since 17.5.2021 and that no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is opposed by the State counsel who submits that the petitioner is named in the FIR and he actively participated in the murder of Deepak which was witnessed by PW4-Sahil. However, the State counsel has not disputed the custody period of the petitioner and the fact that the complainant and aforesaid Sahil while appearing in the witness box have retracted from their previous statements.

I have considered the submissions made by the counsel for the parties.

FIR in this case was registered against 8 persons including the petitioner on the basis of the statement of PW3-Maya. However, while appearing in the witness box, PW3-Maya, has not supported the case of the prosecution. Sahil who is stated to have witnessed the occurrence, while appearing in the witness box as PW4, also failed to support the case of the prosecution. Admittedly, the petitioner is in custody for the last more than 1 year and 11 months and is having no criminal history and it will take considerable time for the trial to complete.

In light of above, this Court is of the view that no purpose is going to be served by prolonging judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 20, 2023
Paritosh Kumar