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

**CRM-M-39081-2023
Date of Decision: 17.08.2023**

Mahinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunny Tyagi, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.327 dated 21.08.2022, under Sections 302 & 34 IPC, registered at Police Station Matlauda, District Panipat.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 23.08.2022 which is almost 1 year and the investigation of the case has already been completed and thereafter, even the trial has commenced and now 6 witnesses have already been examined including the complainant and the eye-witness. He further submitted that as per the allegations, the complainant had come to the hut where the deceased was hit by the petitioner and thereafter, there was one eye-witness as well, who saw the beatings on the deceased. He also submitted that in fact the

petitioner was falsely implicated in the present case and at the time of deposition before the Court, none of the prosecution witnesses have supported the prosecution version. He referred to the statements of the complainant and that of the eye-witness in which they have not supported the prosecution version at all and they were declared hostile. He submitted that in view of the aforesaid facts and circumstances especially in view of the fact that the material witnesses have already been examined and they have not supported the prosecution version, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody for almost one year and he is not involved in any other case. He further submitted that it is also correct that the complainant and the eye-witness have been examined and they have not supported the prosecution version.

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

5. The petitioner has already faced incarceration for almost one year. The allegations against the petitioner were that he had hit the deceased which caused his death. Neither the complainant nor the eye-witness have supported the prosecution version and they have been declared as hostile. The petitioner has clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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 present petition.

17.08.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No