

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-41198-2023 (O&M)

Date of Decision: 28.08.2023

AJAY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.112 dated 26.02.2021, registered under Sections 120-B, 148, 149, 302 and 341 IPC, at Police Station Panipat City, District Panipat, the first one having been dismissed as withdrawn with liberty to file a fresh one after examination of the complainant, vide order dated 18.02.2022 passed by this Court.

Learned counsel for the petitioner submits that the bail application filed by the petitioner was rejected vide order dated 11.08.2023 passed by the learned Additional Sessions Judge, Panipat; that the petitioner was not named in the FIR and has been indicted on the basis of the supplementary statement of the complainant, which was recorded after two days; that neither any injury has been attributed nor any recovery was effected from the petitioner and that the petitioner has been in custody since 07.03.2021. He further submits that out of total 33

prosecution witnesses, only 15 witnesses have been examined so far; that the complainant, the eye-witness and the other witnesses, while appearing as PW-3, PW-4 and PW-7 to PW-9 before the Court below, have not supported the prosecution version and that co-accused, namely, Gurdeep @ Chhota and Akshay Kumar, have since been granted the concession of regular bail by this Court vide orders dated 18.07.2023 and 07.08.2023. Still further, it is submitted that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the part of the criminal conspiracy being hatched in connivance with the co-accused and that the petitioner along with co-accused have attacked Sagar with sharp edged weapons and committed his murder. She further submits that the petitioner has specifically been named in the supplementary statement of the complainant and that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR and has been indicted on the basis of the supplementary statement of the complainant, which was recorded after two days. The petitioner has been in custody since 07.03.2021. The allegation against the petitioner is only of hatching a criminal conspiracy. No injury has been attributed to the petitioner. No

recovery was effected from the petitioner. The complainant, the eye-witness and the other witnesses, while appearing as PW-3, PW-4 and PW-7 to PW-9 before the Court below, have not supported the prosecution version. Two of the co-accused have since been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned

28.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No