

CRM-M-36902-2019 and
CRM-M-20409-2020

1 2023:PHHC:144375

[213] IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

[1] CRM-M-36902-2019
Date of Decision: 14.11.2023

YoginderPetitioner

Versus

State of HaryanaRespondent

[2] CRM-M-20409-2020

Tapan ChaudharyPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner in CRM-M-36902-2019.

Mr. Keshav Pratap Singh, Advocate
for the petitioner in CRM-M-20409-2020.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

[1] Both the petitions are taken up together for final disposal with the consent of learned counsel for the petitioners and as the prayer in both the petitions is for grant of regular bail to the petitioners as they arise out of same FIR No. 0221 dated 18.07.2018, under Section 346 IPC, 1860 (later on Sections 364, 302, 379-B, 201, 120-B and 34 IPC, 1860 have been added) registered at Police Station Bhupani, District Faridabad.

period of petitioner-Yoginder is one year and ten months and the custody period of the petitioner-Tapan Chaudhary is two years and thirteen days. They submitted that both the petitioners are on interim bail granted by this Court vide order dated 28.05.2020 in CRM-M-36902-2019 and 11.08.2020 in CRM-M-20409-2020. They further submitted that from the date of the aforesaid order for grant of interim bail, the petitioners are continuing on interim bail and today both the petitioners are present in the Court and furthermore both the learned counsel for the petitioners submitted that they identified both the petitioners who have come in the Court today and submitted that they may be considered to be in deemed custody for the purpose of considering for grant of regular bail.

[3] Both the learned counsels argued that it is a case which is based upon circumstantial evidence and they were not named in the FIR and nominated thereupon on the basis of disclosure statement. They further submitted even otherwise also 19 witnesses out of 38 prosecution witnesses have been examined including all the material witnesses and the trial of the case would take long time and while on interim bail, they have not jumped the bail and not violated any of the conditions in this regard and therefore they may be considered for grant of regular bail.

[4] On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana, has submitted that so far as the custody period of the petitioners is concerned, the same is correct and also correct that they are already on interim bail and have not violated any of the conditions although they were granted interim bail in the year 2020. He also submitted that 19 prosecution witnesses have been examined including the material witnesses.

[6] The petitioners were granted interim bail in the year 2020 which is still continuing and they are present in the Court today. Therefore for the purpose of considering the prayer of the petitioner for grant of regular bail they are deemed to be in custody and they have also been identified by both the learned counsel for the petitioners respectively. As per learned counsel for the parties, all the material witnesses have been examined. Furthermore, it is not the case of the learned State counsel that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

[7] Therefore, considering the aforesaid totality and circumstances in the present case, both the petitions are allowed and interim bail granted to both the petitioners vide orders dated 28.05.2020 in CRM-M-36902-2019 and 11.08.2020 in CRM-M-20409-2020 are hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

14.11.2023
'Rajneesh'

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