

225

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42588-2023
Date of decision: 04.09.2023

SATISH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ajay Kumar Gupta, Advocate and
Mr. Hritik Gupta, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. A. P. S. Sandhu, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.237 dated 04.09.2020, under Sections 148, 149, 302, 323, 506 of the IPC and Section 25 of the Arms Act, registered at Police Station Sadar Dadri, District Charkhi Dadri, Haryana.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner is in custody from 05.09.2020, which is almost three years and now 18 prosecution witnesses have been examined out of 26 cited prosecution witnesses. He further submitted that it is a case where even going by the

allegations contained in the FIR, three persons, namely, Ramesh, Sushila and Satish i.e. the present petitioner had given slaps and fist blows to the deceased, namely, Sachin after taking hold of him. He further submitted that the prosecution had been interpreting the allegations against the petitioner and the other co-accused that when the main accused, namely, Ankit and Mohit had given knife blows to the deceased then the petitioner along with other co-accused were holding the deceased. He further submitted that the contents of the FIR did not suggest the same and it was a wrong interpretation given by the police in this regard. He further submitted that the main accused in the present case were Ankit and Mohit against whom the allegations were that they had given knife blows to the deceased. He further submitted that be that as it may, the other two co-accused, namely, Sushila and Ramesh have already been extended the benefit of regular bail by this Court vide Annexure P-3 and Annexure P-4, respectively, and the petitioner is exactly at parity with the aforesaid co-accused with regard to the role. He also submitted that now the petitioner is at a much better footing than the aforesaid co-accused who have been granted regular bail by this Court in view of the fact that now all the material witnesses stand examined and the petitioner has no criminal background and he is not involved in any other case as on today since earlier he was involved in one case but he has since been acquitted. He further submitted that in view of the aforesaid facts and circumstances of the present case, the petitioner may be considered for grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has filed the custody certificate of the petitioner in Court today and the same is taken on

record. While relying on the custody certificate, she submitted that the petitioner is in custody for 2 years 11 months and 24 days. She further submitted that it is correct that the aforesaid co-accused have already been extended the benefit of regular bail by this Court as aforesaid and now all the material witnesses have been examined.

4. Mr. A. P. S. Sandhu, Advocate has appeared on behalf of the complainant and submitted that since the trial is at its fag end, the petitioner may not be granted the concession of regular bail.

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

6. It is a case where the petitioner is in custody for about 3 years and even as per learned counsel for the parties, the aforesaid co-accused, namely, Sushila and Ramesh have already been extended the benefit of regular bail by this Court vide Annexure P-3 and Annexure P-4, respectively. Now all the material witnesses have been examined and the petitioner is stated to be having no criminal antecedents except for one case, in which he already stands acquitted as per learned counsel for the parties.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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