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

CRM-M-46321-2022

Date of decision: 24.04.2023

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Niraj Sinhamar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in a case bearing FIR No.43 dated 27.02.2019, under Sections 302 and 34 of IPC registered at Police Station Julana, District Jind.

The case of the prosecution is that FIR in the present was registered on the basis of the statement suffered by one Satyawan son of Munshi, resident of village Gatoli before the police on 27.02.2017. In brief, the complainant alleged in the statement that he is a labourer. They are two brothers and one sister. All are married. Both brothers resides separately. His brother Suresh (deceased) was meson and was working in village Anoopgarh. On 26.02.2019, at about at about 8:00 P.M. as usual his brother set out for work in village Anoopgarh but till 8:00 PM he did not return. Complainant stated that he made a telephonic call to his brother and his brother told that he has come to Kinana and would return shortly. Thereafter, his phone persistently came switched off. Complainant stated that in the morning, at 7:00 AM, when he was going for morning walk then near Naik Dharamshala he found his brother beside drain having felled face down. He was having injury on his head and

blood was oozing out. On checking he found his brother Suresh to have died. Complainant stated that action be taken against the culprits.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was nominated on the basis of supplementary statement of PW2-complainant namely Satyawan (Annexure R-1). He has referred to the status report dated 27.01.2023 wherein it has been admitted by the State that no recovery has been made from the petitioner. He has also referred to the statement dated 17.12.2019 of PW1 Rajesh, who had not identified the petitioner. He has further referred to the statement dated 21.02.2023 of PW2-complainant Satyawan son of Munshi, who in his cross-examination has stated that all the information recorded in the examination-in-chief has been told to him by his cousin Mahender. He has referred to the statement dated 28.03.2022 of PW3 Dr. Susham Lata, SMO, Government Hospital, Jind. In her cross-examination she has stated that possibility of injuries mentioned in the PMR can be caused due to fall from a sufficient height on a hard surface can not be ruled out. She has further submitted that as per FSL report Ex.P2 no alcohol was detected in any exhibits.

Learned counsel for the petitioner further contends that the petitioner is innocent and has been falsely implicated in the present case. He is in custody for the last more than 04 years. He further submits that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 20 witnesses, 4 have been examined and 2 witnesses have been given up and the trial is likely to take considerable time to conclude. He further submits that the petitioner is not involved in any other case and therefore, he may be released on regular bail.

On the other hand, the learned State counsel while placing on record custody certificate submits that the petitioner has been nominated in the

present case on the basis of supplementary statement of the complainant and is one of the main accused in the present FIR and therefore, he is not entitled for grant of regular bail.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner which is about 4 years 01 month and 21 days; prosecution witnesses have not supported the prosecution case; investigation is complete; challan has been presented; charges have been framed; out of 20 prosecution witnesses only 4 have been examined; 2 witnesses have been given up and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, the petition stands disposed of.

24.04.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

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