

CRM-M-44961-2023 with
CRM-M-44537-2023

225+270

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44961-2023
Date of Decision: 14.09.2023

Ankush Kumar Petitioner
Versus

State of Haryana Respondent

CRM-M-44537-2023

Shekhar Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Namit Khurana Advocate,
for the petitioner in CRM-M-44961-2023.

Mr. Sandeep Saini, Advocate
for the petitioner in CRM-M-44537-2023.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of both the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.470 dated 23.12.2022, under Sections 452, 307, 394, 201, 34 & 120-B of the IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

2. It has been submitted by both the learned counsels for the

CRM-M-44961-2023 with
CRM-M-44537-2023

petitioners that the petitioner, namely, Ankush Kumar is in custody since 25.12.2022 and the petitioner, namely, Shekhar is in custody since 27.12.2022. They further submitted that the investigation of the case has already been completed and thereafter, even the trial has commenced and now 17 out of the 22 cited witnesses have already been examined including the complainant. They also referred to the statement of the complainant, namely, Anil Kumar and submitted that the complainant has not supported the prosecution version and in his cross-examination, he had so stated that the present petitioners do not appear to be the same persons on physical appearance as that of the assailants. The learned counsels for the petitioners also submitted that be that as it may, now all the material witnesses have already been examined and it is a case where both the petitioners have clean antecedents and are not involved in any other case and the trial of the case will still take some time and therefore, has prayed for the grant of regular bail to both the petitioners.

3. On the other hand, Mr. Vishal Kashyap, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner, namely, Ankush Kumar is in custody since 25.12.2022 and the petitioner, namely, Shekhar is in custody since 27.12.2022. He further submitted that it is also correct that both the petitioners are not involved in any other case and are having clean antecedents. He has however opposed the grant of bail to both the petitioners on the ground that the matter is serious in nature.

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

5. The petitioner, namely, Ankush Kumar is in custody since

CRM-M-44961-2023 with
CRM-M-44537-2023

25.12.2022 and the petitioner, namely, Shekhar is in custody since 27.12.2022 and they are having clean antecedents and are not involved in any other case. 17 witnesses out of the total 22 cited witnesses have already been examined including the complainant and the other material witnesses. As per the learned counsels for the petitioners, the complainant has not supported the prosecution version. Therefore, considering the aforesaid facts and circumstances of the case where 17 out of 22 witnesses have already been examined and the petitioners are having clean antecedents, this Court deems it fit and proper to grant regular bail to both the petitioners.

6. Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds 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.

14.09.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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