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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46950-2023 (O&M)
Date of Decision: 22.11.2023

Krishan Kumar @ Krishana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanchit Choudhary, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.860 dated 16.12.2021, under Section 302 IPC, registered at Police Station HTM Hisar, District Hisar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 1 year and 11 months and now 5 prosecution witnesses have already been examined and in fact all the material witnesses have been examined including the complainant. He further submitted that the complainant, namely, Kanta, who was the only eye-witness, has not supported the prosecution version and has been declared as hostile. He also submitted that as per the allegations, the petitioner was only a driver of an E-rickshaw and there was a dispute of fare

with the deceased and out of the aforesaid dispute of fare, he had killed the deceased. He further submitted that there is no motive attributed to the petitioner and he has already faced incarceration of 1 year and 11 months, and therefore, considering the aforesaid facts and circumstances, he may be considered for grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and all the material witnesses have been examined including the eye-witness, who has not supported the prosecution version and has turned hostile. He has, however, submitted that the sharp edged weapon was recovered from the petitioner, therefore, he does not deserve the concession of regular bail.

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

5. As per the learned counsel for the parties, the petitioner is in custody from 1 year and 11 months and all the material witnesses have been examined including the eye witness, who has not supported the prosecution version and has turned hostile. The allegations were with regard to the dispute of some fare and the petitioner is stated to be an E-rickshaw driver. As per learned counsel for the petitioner, there was no motive attributed to the petitioner. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence. Therefore, considering the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner

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is ordered to be released on regular bail on furnishing bail bond/surety bond 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.

22.11.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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