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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47413-2023
Date of decision: 25.09.2023

VIMPI @ VICKY

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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.470 dated 23.12.2022, under Sections 307, 394, 452, 34, 201 and 120-B of the IPC, registered at Police Station Bilaspur, District Yamuna Nagar, Haryana.
2. Learned counsel for the petitioner submitted that it is a case where the petitioner is in custody from 26.12.2022, which is almost 9 months and now out of total 22 prosecution witnesses cited, 17 have already been examined including the complainant. He further submitted that during the course of trial, none of the prosecution witnesses has supported the prosecution version and even the complainant has not supported the prosecution version and rather in his cross-examination, he has stated that the present petitioner did not appear to

be the same person on physical appearance as the person who attacked him. He also submitted that the similarly situated other co-accused, namely, Ankush Kumar and Shekhar, who are exactly at parity with the present petitioner have already been granted the benefit of regular bail by this Court on 14.09.2023 vide Annexure P-8 and therefore the petitioner may also be considered for grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that it is correct that the petitioner is in custody from 26.12.2022, which is almost 9 months and so far as the petitioner is concerned, he is at parity with the aforesaid co-accused who have already been extended the benefit of regular bail by this Court as aforesaid.

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

5. The petitioner is in custody from 26.12.2022, which is almost 9 months and the aforesaid co-accused, who are stated to be at parity with the present petitioner have already been extended the benefit of regular bail by this Court as aforesaid on 14.09.2023 vide Annexure P-8. The parity aspect of the petitioner with the aforesaid co-accused has also not been denied by the learned State counsel.

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

7. 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.

8. 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.

25.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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