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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50012-2022 (O&M)

Date of Decision: 24.07.2023

Ravi

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Preetinder Singh Ahluwalia, 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 grant of regular bail to the petitioner in FIR No.120 dated 13.09.2021, under Sections 302, 307, 323, 325, 341, 285, 506, 109, 147, 148, 149 and 120-B IPC and Sections 25, 27 & 29 of Arms Act, registered at Police Station Jakhal, District Fatehabad.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 22.09.2021 which is about 1 year and 10 months and five out of 22 witnesses have been examined. He submitted that as per the prosecution story, the deceased was killed by accused by way of inflicting injuries and the role attributable to the present petitioner as per the FIR was giving of danda blow on one of the injured, namely, Rampal and so far as the present petitioner is concerned, there was no role attributable to the petitioner

for giving any injury to the deceased. He submitted that even otherwise also at the time of deposition all the material witnesses have not supported the prosecution version and they have turned hostile. He referred to the statement which has been attached with the reply filed by the State of that of the aforesaid Rampal who allegedly received injuries because of the petitioner danda blow has not supported the prosecution version and he was declared hostile and all the other material witnesses have also turned hostile. He submitted that the petitioner has been falsely implicated in the present case and he is not involved in any other case and has got clean antecedents and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is in custody for 1 year and 10 months and 5 out of 22 witnesses have been examined and the aforesaid Rampal and other material witnesses have not supported the prosecution version and they have turned hostile and the petitioner is not involved in any other case and has got clean antecedents.

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

5. It is a case where the petitioner has already faced incarceration for 1 year and 10 months and as per the learned counsel for the parties, the person upon whom allegedly the petitioner had inflicted danda blow has been examined and he has not supported the prosecution version. The petitioner is stated to be not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, 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 subject to furnishing bail bonds/surety 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 merits of the case and is meant for the purpose of deciding the present petition only.

24.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No