

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225

CRM-M-50168 of 2022

Date of Decision:24.01.2023

Daljit Singh @ Pinka

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shailendra Sharma, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

Mr. Deepak Aggarwal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

This is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.152 dated 25.09.2021, under Sections 148, 149, 341, 323, 324, 325, 326, 427, 506, 307, 302 IPC, registered at Police Station Sadar Jagadhri.

Learned counsel for the petitioner submitted that this is a second bail petition which has been filed by the petitioner and earlier bail petition was dismissed by this Court on 16.05.2022. He submitted that the petitioner is in custody from 06.10.2021 and only three prosecution witnesses have been examined till date. He submitted that at the time when the earlier petition was dismissed only two witnesses who had been examined and now the complainant has since been examined and considering his custody, he may be considered for the

grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that although after the dismissal of the earlier bail petition, the complainant has been examined but eye witness namely Simranjit Singh who had seen the entire incident is yet to be examined. She submitted that the State has an apprehension in case the petitioner is released on bail, then he may abscond from justice or influence any witness which includes the eye witness.

Mr. Deepak Aggarwal, learned counsel appearing on behalf of the complainant has submitted that the reason as to why the eye witness and some of the other witnesses have not been examined till date is that an application under Section 319 of the Code of Criminal Procedure was moved by the prosecution which has since been allowed and now the remaining witnesses are likely to be examined. He has also expressed an apprehension that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, eye witness namely Simranjit Singh has not been examined till date. The custody of the petitioner is one year and three months. The petitioner has been specifically named in the FIR and direct role has been attributable to him. The apprehension expressed by the learned State counsel cannot be ignored and does carry weight. Even otherwise also, considering the nature of allegations and gravity of the offence, this Court does not deem it fit and proper to grant regular bail to the petitioner. Consequently, finding no merit in the present petition, the same is hereby dismissed.

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.

(JASGURPREET SINGH PURI)
JUDGE

January 24, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No