

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+218 CRM-M-51827-2022 (O&M)
Date of decision: 11.10.2023

Jagdeep Bhadia ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. B.S. Beniwal, Advocate for the petitioner.

Ms. Ambika Sood, Addl. A.G. Haryana.

FIR No.	Dated	Section/s	Police Station
239	22.07.2020	397, 201 IPC and 25 of Arms Act	Bhuna, District Fatehabad

VIKAS SURI, J.

CRM-40123-2023

This is an application for placing on record certified copy of deposition of witness Makhan Lal dated 10.07.2023 as Annexure A-1.

Notice of the application.

Ms. Ambika Sood, Addl. A.G. Haryana, accepts notice on behalf of respondent-State.

Accordingly, for the reasons mentioned in the application, same is allowed. Annexure P-1 along with Annexure P1/A is taken on

record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-51827-2022

[1] The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in the above-captioned case.

[2] Learned counsel for the petitioner contends that petitioner was neither present at the spot nor did he commit any offence as alleged. The name of the petitioner surfaced in the disclosure statement suffered by his co-accused. Learned counsel refers to Annexure P-1, the statement of victim Makhan Lal, brother of the complainant to contend that he has not supported the prosecution version and specifically stated that the petitioner and co-accused Kamal Rana, who were present in Court on 10.07.2023, had not robbed him or his brother Subhash (complainant) and had also not caused any injury to him. This witness was declared hostile as such. Learned counsel for the petitioner further submits the petitioner is in custody for the last more than two years. The conclusion of trial will take time.

[3] On the other hand, learned State counsel has opposed the prayer made on behalf of the petitioner and filed custody certificate of the petitioner dated 10.10.2023 in Court today, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. Learned State counsel submits that petitioner is a habitual offender as he is involved in multiple cases, however, he is not in a position to dispute that other than the eye witness account, there is no material against the petitioner to connect him with the crime.

[4] I have heard learned counsel for the parties and perused the record.

[5] Since the star witness of the prosecution i.e. victim, namely Makhan Lal, who is brother of the complainant, has not supported the prosecution version and the recovery of pistol alleged to have been used in the commission of crime has not been effected from the petitioner; as per status report dated 17.07.2023, the prosecution has cited in as many as 31 prosecution witnesses in Final Police Report (*challan*), out of which only 06 prosecution witnesses have been examined so far, therefore, it can safely be inferred that conclusion of trial will take time and no useful purpose would be served by keeping the petitioner under further incarceration. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail-bond and surety to the satisfaction of the Area Magistrate/Trial Court/Duty Magistrate concerned.

[6] It is, however, made clear that the petitioner shall not influence the trial in any manner directly or indirectly and shall not leave the country without prior permission of the trial Court.

[7] The observations made herein-above shall not be construed as an expression of opinion on the merits of the case.

October 11, 2023

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No