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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50097-2023
Date of decision: 19.10.2023

KULDEEP

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vikas Bishnoi, 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.37 dated 17.02.2019, under Sections 302 and 120-B of the IPC, registered at Police Station Uklana, District Hisar, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 20.02.2019, which is almost 4 years and 8 months and only one prosecution witness has been examined and that also in chief because thereafter the prosecution moved an application under Section 319 Cr.P.C. for summoning of additional accused and this was assailed by the persons who were summoned as an additional accused before this Court and it was directed by this Court that the learned trial Court shall adjourn the case beyond the date fixed by this Court and it was also made clear by this Court that the aforesaid interim order will not

be deemed to be automatically extended unless so specifically extended by this Court but thereafter in some of the orders, the interim order was continued. He further submitted that now the petitioner has faced incarceration for almost 4 years and 8 months and he is not involved in any other case and therefore he may be considered for the grant of regular bail. He also submitted that the other co-accused, namely, Anju has already been extended the benefit of regular bail by this Court vide Annexure P-2 on 22.09.2021.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that only one prosecution witness has been examined partly and thereafter, an application under Section 319 Cr.P.C. was moved by the prosecution.

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

5. It is a case where the allegations against the petitioner and the other co-accused were that they had caused the killing of one Pawan by way of hanging because the aforesaid deceased-Pawan was not happy with the relationship between the petitioner and the aforesaid co-accused, namely, Anju, who was the wife of aforesaid deceased-Pawan. The petitioner has already faced incarceration for about 4 years and 8 months but due to filing of application under Section 319 Cr.P.C. and interim order passed by this Court, the further trial has not progressed.

6. Therefore, considering the aforesaid totality and circumstances of the present case and especially considering the custody of the petitioner, 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.

19.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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