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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50600-2023 (O&M)

Date of Decision: 29.11.2023

Sandeep @ Lota

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Randhawa, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, 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 Section 147, 148, 149, 323, 325, 307, 341, 506, 285, 302, 120-B, 109 IPC and Sections 25/27-54-59 of Arms Act, registered at Police Station Jakhal, District Fatehabad.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years and 2 months and as per the prosecution story, the deceased was killed by the accused persons by way of inflicting injuries and so far as the present petitioner is concerned, the role attributable to him was only firing in the air and lathi blow on the leg of the injured and not on the deceased. He further 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 also referred to the bail order passed by this Court pertaining to the other co-accused and has referred to CRM-M-50012-2022, titled as Ravi versus State of Haryana who has been granted bail by this Court and qua him the role attributable was giving of danda blow. He also referred to CRM-M-15064-2022, titled as Satish versus State of Haryana in which bail has been granted by this Court and another order passed by this Court in CRM-M-43848-2023, titled as Gurlal Singh Mann @ Vicky versus State of Haryana who has also been granted bail by this Court. He submitted that the present petitioner is rather at better footing than the aforesaid accused persons. He further submitted that all the material witnesses have been examined in the present case and none of them have supported the prosecution version and they have been declared hostile and, therefore, he may also be considered for the grant of regular bail especially on the ground of parity.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that the petitioner is in custody for 2 years and 2 months and it is also correct that all the material witnesses have not supported the prosecution version. The parity of the petitioner with the aforesaid co-accused who have been extended the benefit of bail by this Court has also not been denied.

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

5. The petitioner is in custody for 2 years and 2 months and he is stated to be at parity with the aforesaid co-accused who have been extended the benefit of bail by this Court. As per the learned counsel for the parties, all the material witnesses have been examined but they have not supported the prosecution version. 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.

29.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE