

CRM-M-51275-2023

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2023:PHHC:152428

**232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51275-2023
Date of decision : 30.11.2023

PARDEEP

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Gurmeet Kaur, Advocate for
Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.842 dated 31.10.2022 registered for the offences punishable under Sections 120-B, 323, 324, 506, 379-B, 326, 34 IPC at Police Station Indri, District Karnal.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner asserts that the FIR was registered on hear say evidence. The challan already stands presented and thus there can't be any apprehension that the petitioner shall tamper with the evidence. Further reliance is being placed upon the order dated 21st of July, 2023 passed in CRM-M No.33893 of 2023 whereby co-accused Pammi @ Sandeep @ Kachhu stands admitted to bail.

4. Per contra, State Counsel however submits that the petitioner is the main accused and has been attributed knife injury. His role is totally different from that assigned to Pammi @ Sandeep @ Kachhu and thus he cannot claim parity. He however does not dispute that the challan in the present case was presented more than a year ago i.e. on 23rd of November, 2022, charges were framed on 30th of December, 2022 and none out of 10 cited witnesses has been examined till date. Apart from that he also does not dispute that though knife is alleged to have been recovered from the petitioner yet no effort was made to get the same scientifically examined to link the same to the present petitioner.

5. I have heard counsel for the parties and have gone through records of the case.

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No