

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

CRM-M-54387-2023

Date of Decision:05.12.2023

Sunil

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ajay Gupta, Advocate for
 Mr. Gourav Verma, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police, City Panipat has been filed on behalf of the respondent in Court today and the same is taken on record.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.171 dated 24.08.2022 registered under Sections 302 and 201 of IPC (Section 34 of IPC added later on) at Police Station Sadar, District Panipat.

3. As per the case of the prosecution, the FIR in the present case was got registered by Joginder Singh, complainant. As per him, at about 6.30 am on 24.08.2022, when he went to see his crops, he found the dead body of some unknown person lying in the field and even the paddy crop was destroyed at the spot. The face of the deceased was buried in the paddy soil and there was wet soil around the head of the deceased. The complainant called the neighbours

including Narendra and Tejbir and later on, informed the police. As per the complainant, some unknown persons had caused injuries to the deceased and by after causing the murder, the dead body was thrown in the fields.

4. Learned counsel for the petitioner submits that in the present case, FIR was registered against unknown persons. He further contends that the petitioner was arrested in the present case on 13.9.2022 and is in custody for the last more than 01 year and 02 months. He further contends that similarly placed co-accused, namely, Sagar has already been granted the concession of regular bail by this Court vide order dated 19.09.2023 in CRM-M-23909-2023 (Annexure P-8). He further contends that in the present case, three material witnesses i.e. PW-1 Ravi son of Subhash, PW-2 Ashish son of Mehar Singh and PW-3 Sahab Singh son of Zile Singh have been examined by the prosecution and all the three witnesses did not support the case of the prosecution. He further contends that since the material witnesses of the prosecution have been examined, the petitioner would not be in a position to tamper with the prosecution evidence.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case is pending against the present petitioner. However, she admits that the petitioner is on bail in the said case.

6. I have heard the learned counsel for the parties and perused the record.

7. Learned State counsel could not dispute the fact that similarly placed co-accused, Sagar has already been granted the concession of regular bail by this Court vide order dated 19.09.2023 (Annexure P-8). Moreover, the

petitioner is in custody for the last more than 01 year and 02 months and the material witnesses of the prosecution have already been examined.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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