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

**CRM-M-54389-2022 (O&M)
Date of Decision: 27.02.2023**

DEEPAK

....Petitioner(s)

Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rishu Garg, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0909 dated 22.12.2020, under Sections 379-B, 34 IPC and Section 25 of Arms Act, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 09.01.2021 which is more than 2 years. He submitted that 10 out of 20 witnesses have already been examined and it is a case where even as per the prosecution story itself the role of the petitioner was with regard to conspiracy only and that at the time of incident he was not present at the spot. He referred to the statement made by SI Krishan while deposing before the Court that the petitioner was at that point of time in a rented accommodation somewhere else. He further

submitted that be that as it may, the petitioner has already faced incarceration for more than 2 years and the petitioner was apprehended purely on the basis of suspicion and therefore, he may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is correct that the petitioner is in custody from 09.01.2021 which is more than 2 years and 10 witnesses have already been examined. She has however submitted that the petitioner is involved in two more cases pertaining to Sections 147, 148, 149, 323, 452 and 506 IPC.

I have heard the learned counsel for the parties.

The petitioner is in custody from 09.01.2021 which is more than 2 years. As per the prosecution on the basis of suspicion the petitioner was apprehended and it is yet to be proved at the time of trial as to whether the petitioner is involved in the present case or not. It is not the case of the State counsel nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or may repeat the offence or may influence any witness especially in view of the fact that 10 witnesses have already been examined.

In view of the aforesaid facts and circumstances and especially considering the custody of the petitioner which is more than 2 years, this Court deems it fit and proper to grant regular bail to the petitioner.

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.

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.

27.02.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

:

:

Yes/No

Yes/No