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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52592-2023 (O&M)

Date of Decision: 06.12.2023

Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjiv Majra, Advocate,
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-51401-2023

For the reasons mentioned in the applications, the same is allowed and the accompanying annexures are taken on record subject to all just exceptions.

CRM-M-52592-2023

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 case bearing FIR No.60 dated 28.02.2020, under Section 396, 302, 201 & 120-B IPC, registered at Police Station Civil Line Hisar, District Hisar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 20.08.2020 which is more than 3 years and 3 months and now 22 out of 40 witnesses have already been examined. He further submitted that it is a case which is based upon circumstantial

evidence and the name of the petitioner surfaced thereafter on the basis of the disclosure statement of the co-accused and there is no direct evidence against the petitioner in the present case. He also submitted that now all the material witnesses have already been examined and 2 witnesses, namely, Rahul and Sanjay have not even supported the prosecution version and one witness, namely, Balwan has identified two persons, namely, Sahil and Krishan and the petitioner was not even identified by any of the prosecution witnesses. He further submitted that similarly situated co-accused, namely, Ajit @ Jeet, Jaibir @ Tinku, and Sahil have already been extended the benefit of regular bail and the petitioner is rather at better footing than the aforesaid co-accused and therefore, he may also be considered for grant of regular bail. He further submitted that the petitioner is involved in two more cases out of which in one case, he has been acquitted and in another case i.e. under the Arms act, he is under trial.

3. On the other hand, Mr. Vijesh Sharma, learned Addl. A.G., Haryana stated that it is correct that the petitioner is in custody from 20.08.2020 and now 22 out of 40 witnesses have been examined including all the material witnesses. He has however opposed the grant of regular bail to the petitioner on the ground that he is involved in two more cases although in one case he has been acquitted. The parity of the petitioner with the aforesaid co-accused, who have been granted regular bail, has not been denied by the learned State Counsel

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

5. The petitioner is in custody for more than 3 years and 3 months and now 22 out of 40 cited witnesses have already been examined including

all the material witnesses. Two witnesses have not supported the prosecution version. Similarly situated co-accused, namely, Ajit @ Jeet, Jaibir @ Tinku, Sahil and Krishan have already been extended the benefit of regular bail and the petitioner is rather at better footing than the aforesaid co-accused. Therefore, this Court is of the view that considering the long custody of the petitioner, he deserves the concession of regular bail.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.12.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No