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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53287-2023
Date of decision: 03.11.2023

SONU ALIAS CHOTA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Ms. Kashish Kalra, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. 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.52 dated 22.03.2019, under Sections 302, 201, 202 and 34 of the IPC, registered at Police Station Sadar Hansi, District Hisar, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for almost 4 years and 6 months and out of total cited 24 prosecution witnesses, 15 witnesses have been examined, 2 witnesses have expired and 2 witnesses have been given up. He further submitted that although the trial is at its fag end but considering the aforesaid large custody of the petitioner, he may be considered for grant of regular bail. He also submitted that the present is a

case which is based upon circumstantial evidence and as per the allegations, the son of the complainant had left the house for burning crackers in the village and he did not return and was found dead and it was later on that the name of the petitioner was nominated along with the other co-accused on the ground that they might have killed the son of the complainant. He further submitted that the entire case is based upon circumstantial evidence and the petitioner has been falsely implicated in the present case and he is not a habitual offender and is not involved in any other case. He also submitted that even otherwise also the present petitioner is at parity with one of the co-accused, namely, Manjeet, who was also nominated on the same pretext and has been extended the benefit of regular bail by a Coordinate Bench of this Court in CRM-M-19869-2022 on 22.09.2023 (Annexure P-8). He further submitted that the petitioner being exactly at parity with the aforesaid co-accused may be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody for almost 4 years and 6 months and he is not involved in any other case. The parity aspect of the petitioner with the aforesaid co-accused, namely, Manjeet is also not denied by the learned State counsel.

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

5. As per the allegations in the FIR, the entire case appears to be based upon circumstantial evidence. The petitioner has already faced incarceration for almost 4 years and 6 months and the material witnesses have already been examined. The petitioner is stated to be at parity with the aforesaid

co-accused, namely, Manjeet, who has already been extended the benefit of regular bail by a Coordinate Bench of this Court as aforesaid vide Annexure P-8. Furthermore, it is not the case of the learned State counsel 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. Therefore, considering the aforesaid totality and circumstances of the present case, this Court does not see any reason to deny the concession of regular bail to the petitioner especially on the ground of custody and parity.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds 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 the merits of the case and is meant for the purpose of deciding the present petition only.

03.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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