

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56716-2022 (O&M)
Date of Decision: 09.08.2023

(I)
Sandeep @ Patwari

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-2010-2023(O&M)

(II)
Vishal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akashdeep Singh, Advocate,
for the petitioner in CRM-M-56716-2022.

Mr. Parveen Sharma, Advocate,
for the petitioner in CRM-M-2010-2023.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 154 dated 29.08.2020, under Sections 302, 201, 34 IPC, registered at Police Station Mohana, District Sonipat.

3. Learned counsels appearing on behalf of both the petitioners have submitted that both the petitioners are in custody for about 3 years and now 5 out of 19 prosecution witnesses have already been examined and all the material witnesses stand examined. They further submitted that as per the allegations in the FIR which was lodged by the mother of the deceased by stating that the petitioner Sandeep @ Patwari in CRM-M-56716-2022 had taken her son on a motorcycle and thereafter her son was murdered by using Gandasa. The name of the other petitioner and some other co-accused have also been so stated in the FIR. They submitted that the entire case is based upon circumstantial evidence and even otherwise also the complainant who is the mother of the deceased has not supported the prosecution version and she has been declared as hostile. They further submitted that the petitioners are not involved in any other case and have got clean antecedents and considering the long custody of the petitioners especially the fact that all the material witnesses have been examined, the petitioners may be considered for the grant of regular bail.

4. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody of the petitioners is concerned, the same is correct and all the material witnesses have been examined. It is also correct that the complainant who is the mother of the deceased has not supported the prosecution version and the petitioners are not having any

criminal antecedents.

5. I have heard the learned counsel for the parties.
6. It is a case where both the petitioners have faced incarceration for about 3 years and as per the learned counsel for the parties, the material witnesses including the complainant who is the mother of the deceased has already been examined and has not supported the prosecution version. The trial of the case may take long time and it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.
7. In view of the aforesaid position, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety 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 merits of the case and is meant for the purpose of deciding the present petitions only.

09.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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