

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.256

CRM-M-56980-2022

Date of decision: 15.02.2023

Joni

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Anjali Sheoran, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0132 dated 01.07.2020 registered under Sections 302, 34 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Julana, District Jind.

The petitioner alongwith his co-accused is being prosecuted for the murder of Shiv Kumar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner is in custody since 12.07.2020; all material witnesses in the petitioner's trial have been examined; the prosecution has collected no evidence against the petitioner to link him with the crime he is accused of; the State relies on the petitioner's own confessional statement which has no evidentiary value; the alleged recovery of clothes worn by the petitioner at the time of the crime are not blood stained; these clothes were also not got forensically examined; so far as motive attributed to the petitioner through the supplementary statement of the complainant is concerned the same is based on hearsay evidence as the complainant says that he had learnt from others that prior to committing murder the petitioner and the deceased had fought over purchase of liquor and that since in the petitioner's trial 16 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused murdered Shiv Kumar.

After considering the afore submissions and in particular that the petitioner is in custody since 12.07.2020; all material witnesses in the petitioner's trial have been examined and that since in the petitioner's trial 16 prosecution witnesses still remain to be examined, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jind, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

February 15, 2023
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(DEEPAK SIBAL)
JUDGE

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