

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.218

Case No. : CRM-M-59091-2022

Date of Decision : February 15, 2023

Parvesh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Manan Bhardwaj, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0108 dated 12.08.2019, under Sections 346, 341, 302, 201, 202, 364, 365, 34 & 120-B IPC, 1860, registered at Police Station Moohana, District Sonipat.

Status Report by way of an affidavit of ASI Dharambir Singh, CIA-II Staff, Sonipat, on behalf of respondent-State along with Custody Certificate dated 14.02.2023, filed today in Court by learned State counsel is ordered to be taken on record.

Learned counsel for the petitioner states that the petitioner is in custody since 04.09.2019. The material witnesses have been examined in this case but they have not supported the version of the prosecution. Three witnesses including the complainant have been examined. The petitioner

was named in the disclosure statement made by co-accused Sachin @ Chinna, who and other two co-accused namely Rahul and Rinku have already been granted regular bail.

Learned State Counsel, on the other hand, has opposed the prayer made by learned counsel for the petitioner but has fairly stated that the petitioner is in custody since 04.09.2019. It has also been admitted that the complainant Sanjay has been examined as PW-3 and two other main witnesses i.e. Nadeem and Suman have been examined as PW-4 and PW-5 respectively. All the three co-accused have already been granted bail.

Heard.

The case in hand was registered on the basis of complaint made by complainant Sanjay, stating therein that his brother Surender was missing since 11.08.2019. On 20.08.2019, an unidentified dead body was recovered, on the basis of which FIR was also registered. The said unidentified body was of missing brother of the complainant. In this connection, co-accused Sachin @ Chinna was arrested, who made disclosure statement and named the petitioner to be involved in the crime in question. However, later during recording of statements, three material witnesses did not support the prosecution version.

Keeping in view the fact that the petitioner is in custody since 04.09.2019 i.e. for the last more than 03 years and 05 months, the co-accused have already been granted bail in this case and the completion of trial is likely to take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case,

the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Sonipat.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 15, 2023
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>