

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-58955-2022 (O&M)

Date of Decision: 03.05.2023

DEEPAK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Baljeet Nain, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.32 dated 05.02.2021, registered under Section 392 and 397 IPC and Section 25 of the Arms Act, at Police Station City Narwana, District Jind. The first petition having been dismissed as withdrawn on 04.08.2021.

Learned counsel for the petitioner submits that the petitioner was not named and has falsely been implicated in the present case; that the complainant, while stepping into the witness box as PW-1 has not supported the prosecution version and turned hostile and that the petitioner has been in custody since 19.02.2021. He further submits that there is no other case registered and pending against the petitioner; that most of the prosecution witnesses are yet to be examined and that the recovery has already been effected.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with co-accused were seen in the CCTV footage. She further submits that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.02.2021. There is no other case registered and pending against the petitioner. Complainant has not supported the prosecution version and turned hostile. Out of 28 prosecution witnesses, only 7 have been examined, so far. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

03.05.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>