

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-59333 of 2022
Date of Decision:20.03.2023

Dasrath

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishva Bahl, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0407 dated 28.10.2019, under Sections 147, 148, 149, 302, 323 IPC, registered at Police Station Kundli, District Sonapat.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody for the last three years and four months and seven prosecution witnesses out of total cited 15 have been examined. He submitted that the petitioner has clean antecedents and is not involved in any other case and in the present case he has been falsely implicated at the instance of the complainant who at the time of trial has not supported the prosecution version and has been declared hostile. He submitted that even as per the contents of the

FIR, the allegation against the petitioner is that the petitioner did not inflict any injury but even as per the prosecution story, he was only holding the deceased. He further submitted that in view of the aforesaid position whereby the custody of the petitioner is more than three years and the complainant himself has not supported the prosecution version, the petitioner may be considered for grant of regular bail since the trial of the case may take long time.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that it is correct that the petitioner has faced incarceration for about three years and four months and the complainant did not support the prosecution version and as per the allegation contained in the FIR by the same complainant, the petitioner was only holding the deceased and had not inflicted any injury. She however has opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature. So far as the antecedents of the petitioner is concerned, she submitted on instructions that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

In view of the aforesaid facts and circumstances whereby the petitioner has already faced incarceration for about three years and four months and as per learned counsel for the parties the petitioner is stated to be not involved in any other case and the fact that the complainant has not supported the prosecution version and also it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness.

Consequently, the present is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the cases and is only meant for the purpose of decision of both the petitions.

(JASGURPREET SINGH PURI)
JUDGE

March 20, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No