

AVDHESH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Paras Jagga, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 796 dated 05.12.2020 under Section 302, 34 IPC, registered at Police Station City Hansi, District Hisar.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 2 years and 25 days and is not involved in any other case. It has been further submitted that during the course of trial, the material witnesses have been examined and the case of the prosecution is based upon circumstantial evidence. During the course of investigation, statement of one Durga Prasad, the uncle of the deceased was recorded to the effect that one night prior to the recovery of the dead body, he was informed by the deceased with regard to the threats received from the petitioner and the co-accused. It has been further submitted that during the course of trial, Durga Prasad has not supported the prosecution version and has deposed to the effect that the deceased never informed him that he had received any threat from the petitioner. He has also specifically and categorically stated that the petitioner and the co-accused had not

committed murder of his nephew, Devi Singh. The similarly placed co-accused Laxman has been granted bail in terms of the order dated 09.11.2022 passed in CRM-M-50919-2022.

Learned State counsel has opposed the bail application on the score that 10 out of 20 witnesses have been examined. However, it has not been disputed that the case of the petitioner is at par with Laxman.

The petitioner is in custody for a period of more than 2 years and not involved in any other case. Durga Prasad, the uncle of the deceased has not supported the prosecution version. The case hinges on circumstantial evidence. The similarly placed co-accused Laxman has been granted bail by this Court. The material witnesses are stated to have been examined. There is nothing to indicate that the petitioner can tamper with the evidence or influence the witnesses, who still remain to be examined. Keeping in view the totality of circumstances and the principle of parity, the petitioner becomes entitled to concession of regular bail.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

09.01.2023

Janki

(VIVEK PURI)
JUDGE

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