

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-186-2024

Decided on:-09.02.2024

Jasbir @ Kalia

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.622, dated 19.08.2022, registered under Sections 147, 148, 149 & 302 IPC, at Police Station City Hansi, Hansi, Haryana.

2. Learned counsel for the petitioner submits that the petitioner has been implicated along with his other accomplices for having murdered Prem, by inflicting multiple injuries to him as well as to the complainant, namely, Sita Ram.

3. By filing status report dated 07.02.2024, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while referring to the number of injuries inflicted upon the deceased, which were 16, besides the involvement of the petitioner having been established from

the recovery of weapon i.e. iron rod from him, being corroborated from the FSL report as well. He also refers to the antecedents of the petitioner with his involvement in one another case under the provisions of IPC pertaining to Section 323 IPC.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. The investigation in the present case already stands concluded with the filing of challan, followed by framing of charges, even the complainant stands examined as PW-2, who has not supported the prosecution version. Relevant portion thereof is reproduced as under:-

*“.....I did not see any person causing any injury to my son.
In fact, some unknown person had caused injury to my son Prem
in darkness.....”*

6. As regards the involvement of the petitioner in another case, he is already on bail and is facing trial.

7. In view of the above and considering the custody period of the petitioner which is almost 01 year & 05 months, besides, the complainant/eye witness not supporting the version of the prosecution, I do not find any justification to extend the incarceration of the petitioner as the scientific evidence in the shape of FSL shall be considered during trial.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

9. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

09.02.2024
sonika

(HARKESH MANUJA)
JUDGE

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