

CRM-M-1543-2024

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(222)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1543-2024
Date of Decision: 19.01.2024

BIKRAM KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-1712-2024

AKASH @ GUDRA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bhisham Singh Majoka, Advocate
for the petitioner in CRM-M-1543-2024.

Mr. Ravi Malik, Advocate
for the petitioner in CRM-M-1712-2024.

Mr. Ravish Kaushik, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-1543-2024 titled as Bikram Kumar Versus State of Haryana and CRM-M-1712-2024 titled as Akash @ Gudra Versus State of Haryana as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-1543-2024.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.376 dated 14.08.2022 registered under Sections 148, 149, 302 IPC at Police Station Kheripul, Faridabad, District Faridabad.

3. The present FIR came to be registered at the instance of the complainant-Gulshan son of Suresh Kumar who stated that his relative Naresh had been murdered by Puran, Nitish, Subhash and more boy subsequently known to be Sunil (granted bail vide order dated 23.11.2023 passed in CRM-M-29642-2023). The petitioner came to be nominated as accused on the disclosure statement of the co-accused.

4. The learned counsels for the petitioners contend that the complainant/PW1-Gulshan and PW2- Suresh, the material witnesses have been examined and have not supported the prosecution case. As the petitioners were in custody since 17.08.2022 and 15.07.2022 respectively and only 05 of the 21 prosecution witnesses had been examined so far including the two material witnesses, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioners were entitled to the concession of bail.

5. On the other hand, the learned State counsel contends that the petitioners and their co-accused had committed a heinous crime and therefore, they were not entitled to the concession of bail. He, however, concedes that both the material witnesses have been examined and have turned hostile, the petitioners were in custody since 17.08.2022 and

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15.07.2022 respectively, 16 prosecution witnesses still remain to be examined as also the fact that the co-accused Sunil had been granted bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, both the material witnesses have been examined and have not supported the prosecution case. Whether the remaining evidence on record is sufficient to affix the guilt of the petitioners and their co-accused shall be adjudicated upon during the course of Trial. The petitioners are in custody since 17.08.2022 and 15.07.2022 respectively and as many as 16 prosecution witnesses still remain to be examined. Therefore, the Trial of the present case is not likely to be concluded any time soon. In this situation, the further incarceration of the petitioners is not required.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.01.2024

JITESH

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