

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4320-2024

Date of Decision:01.02.2024

Jitender@ Jeetu

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Abhimanyu Singh, Advocate and
Mr. Trishu Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 257 dated 15.06.2022, registered under Sections 323,324,307,201,506,34 of IPC and under Section 25 (1-B)(a) of 54 Arms Act (offence under Section 302 of IPC added later on) Police Station Gadpuri, District Palwal.

2. The FIR in the present case was registered on the basis of the statement made by Subhash. As per him, at about 12:30 PM on 14.06.2022, the complainant had gone to the booth to give food to his nephew, Akash. He saw that Jeetender, Sagar and one more relative of Sagar were quarrelling with his nephew. When he was objected to it, he was also threatened by the accused.

After that, Sagar and his co-brother caught hold of his nephew and Jeetender, who had a knife, stabbed on the stomach of his nephew. Consequently, Akash fell down and he was taken to Civil Hospital, Palwal. Due to the critical

condition of the injured, he was referred to Sarvodya Hospital, Faridabad.

3. Learned counsel for the petitioner submits that in the present case Akash had allegedly suffered injuries and he was admitted in Sarvodya Hospital on 15.06.2022 and the injured was discharged from the hospital on 02.07.2022 and unfortunately, Akash expired on 08.11.2022 i.e. after around five months of the alleged incident. Learned counsel next contends that as per the post mortem report, it has been mentioned that opinion regarding cause of death would be given after receiving the Histopathology report and till date, the cause of death has not been ascertained. Even the final report under Section 173 Cr.P.C has already been presented against the petitioner. He further contends that the petitioner was arrested in the present case on 12.07.2022 and the co-accused Sagar has already been granted the concession of bail by this Court vide order dated 21.11.2023 (Annexure P-6).

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and may tamper with the prosecution evidence and may not be enlarged on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent from the record that the petitioner was arrested in the present case on 12.07.2022 and is in custody for the last more than about 01 year and 06 months. Even, it is apparent from the custody certificate that no other criminal case was ever registered against the petitioner. Apart from that, the prosecution case is based on the testimonies of the close relatives of the deceased or the officials. The petitioner may not be in a position to influence

the witnesses of the prosecution. Apart from that, the petitioner has no criminal antecedents.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

01.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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