

(247)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6866-2024
Date of Decision: 15.02.2024

VARUN @ PURAN & ANOTHER

... Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravi Malik, Advocate
for the petitioners.

Mr. R.K. Singla, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition 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, 1860 at Police Station Kheripul, Faridabad, District Faridabad.

2. 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 (petitioner No.1), Nitish (granted bail vide order dated 29.01.2024 passed in CRM-M-3225-2024), Subhash and one more boy subsequently known to be Sunil (granted bail vide order dated 23.11.2023 passed in CRM-M-29642-2023). Bikram Kumar, Akash @ Gudra (both granted bail vide order dated 19.01.2024 passed in CRM-M-1543-2024) Anil Kumar (petitioner No.2) and certain others came to be nominated as accused on the disclosure statement of the co-accused.

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3. The learned counsel for the petitioners contends 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 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 moreso when 04 co-accused had been granted the similar concession.

4. 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, 16 prosecution witnesses still remain to be examined as also the fact that 04 co-accused had been granted bail.

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

6. 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 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.

7. Thus without commenting on the merits of the case, the present petition is 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.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.02.2024
JITESH

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