

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7989-2024

Date of Decision: February 21, 2024

SACHIN

.....Petitioner

Versus

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 upon him as well as to the complainant, namely, Sita Ram.
3. On the other hand, 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. He also refers to the antecedents of the petitioner with his involvement in one another case under the provisions of IPC pertaining to Section 302 IPC.

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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. Moreover, the petitioner is on bail in other case.

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.

21.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No