

CRA-S-757-2024 (O & M) ::1::
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
Date of decision: 16.04.2024

(1) CRM-8730-2024 in/and
CRA-S-757-2024 (O & M)
Gurpreet @ Gopi Appellant
V/s
State of Haryana and anr. ...Respondents

(2) CRA-S-598-2024 (O & M)
Jaspreet Singh @ Janky Appellant
V/s
State of Haryana and anr. ...Respondents

(3) CRA-S-628-2024 (O & M)
Hasan Khan @ Hasan Appellant
V/s
State of Haryana and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI
Present: Mr. Kuldeep Singh Siwach, Advocate (in CRA-S-757-2024)
and Mr. Vikas Bishnoi, Advocate in (CRA-S-598-2024
& CRA-S-628 of 2024),
for the appellant(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

CRM-8730-2024

This is an application under Section 5 of the Limitation Act

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seeking condonation of delay of 319 days in filing the appeal bearing No.CRA-S-757-2024.

For the reasons mentioned in the application, same is allowed.
The delay of 319 days in filing the aforesaid appeal is condoned.

CRA-S-757-2024 (O & M) and other connected appeals

This order shall dispose of three criminal appeals i.e. CRA-S-757-2024, CRA-S-598-2024 and CRA-S-628-2024 as they arise out of the same FIR.

2. The appellant-Gurpreet @ Gopi (in CRA-S-757-2024), the appellant-Jaspreet Singh @ Janky (in CRA-S-598-2024) and the appellant-Hasan Khan @ Hasan (in CRA-S- 628-2024) have preferred the aforementioned appeals against the orders dated 04.02.2023, 03.02.2024 and 22.12.2023 respectively passed by the Additional Sessions Judge, Fatehabad whereby the applications under Section 439 Cr.P.C. for the grant of regular bail to the applicants have been dismissed.

3. For the sake of convenience, the facts are being taken from the appeal bearing No. CRA-S-598-2024.

4. The present FIR came to be registered at the instance of Sukha Singh son of Basant Singh and reads as under:-

“To, The Station House Officer, Police Station Ratia. Respected Sir, it is requested that myself Sukha Singh S/o Basant Singh S/o Pucha Singh, permanent resident of Ward No.4, Ratia: My

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nephew whose name is Lovepreet @ Pinku S/o Jagar Singh S/o Basant Singh, R/o Ward No.4 and is aged about 15 years. Yesterday on 17.05.2022 at about 5:30 pm, he was with Shubham S/o Kala Rio Ward No.4, Ratia. That both Lovepreet @ Pinku and Rahul are standing near Kuthia near service station. That two parties were fighting on the bridge and 2-3 vehicles were also there. It could be possible that in that quarrel my nephew Lovepreet @ Pinku was hidden by that persons or else he can be made eloped. Some incident can also be happened with him. My nephew Lovepreet @ Pinku be located and the description of my nephew is like that he is wearing green color T-shirt and brown color Pajama and is wearing slipper in the legs. He is aged 15 years. He should be located. Legal action be taken. Sd/-LTI/- Sukha Singh. Sukha Singh Sto Basant Singh S/o Pucha Singh, R/o Ward No.4, Near Sitla Mata Mandir, Raita Mob. No.9728686613”.

5. During the course of investigation, 14 persons including the appellants were nominated as accused.

6. The learned counsels for the appellants contend that the complainant-Sukha Singh had been examined as PW-1, eye-witness/Shubham @ Rahul had been recorded as PW-3 and Ravi Kumar, brother of the deceased, had been examined as PW-2. None of them have supported the prosecution case. As the petitioners were in custody since 11.09.2022, 22.03.2023 and 19.11.2022 respectively, only 03 out of the 50 prosecution witnesses had been examined so far, the Trial of the present

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cases was not likely to be concluded anytime soon and therefore, the appellants were entitled to the concession of bail.

7. The learned counsel for the State, on the other hand, has filed separate replies dated 11.04.2024 and 04.04.2024 respectively in the aforesaid appeals which are taken on record. While referring to these replies, he contends that the nature of the allegations levelled against the appellants and their co-accused did not entitle them to the grant of bail. Even otherwise, they had criminal antecedents. He, however, concedes that all the material witnesses have turned hostile, that the appellants are in custody since 11.09.2022, 22.03.2023 and 19.11.2022 respectively and that only 03 out of the 50 prosecution witnesses had been examined so far.

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

9. Admittedly, all the material prosecution witnesses have not supported the prosecution case. Whether the remaining evidence is sufficient to establish the guilt of the appellants and their co-accused would be adjudicated upon during the course of the Trial. The appellants are in custody since 11.09.2022, 22.03.2023 and 19.11.2022 respectively but only 03 out of the 50 prosecution witnesses have been examined so far. Therefore, the Trial of the present case(s) is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

10. Thus without commenting on the merits of the case, the present appeals are allowed and the appellants, namely, Gurpreet @ Gopi (appellant in CRA-S-757-2024), Jaspreet Singh @ Janky (appellant in CRA-S-598-

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2024) and Hasan Khan @ Hasan (appellant in CRA-S- 628-2024) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The appellants shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that they are not involved in any other crime/case(s) other than the cases mentioned in the State replies dated 11.04.2024 and 04.04.2024 respectively.

11. In addition, the appellants (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the appellants from Trial without sufficient cause.

12. The petition stands disposed of.

April 16, 2024 (JASJIT SINGH BEDI)
sukhpreet JUDGE

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