

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-11833-2024 (O&M)
Date of Decision:-12.3.2024

Sachin ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Pankaj Nanhera, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
588	24.12.2022	Saran, District Faridabad, Haryana	302, 323 and 34 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Deepanshu wherein it is alleged that on 23.12.2022 when he along with his brother-in-law Shiv Kumar was going on a motorcycle which was being driven by him (complainant), a car was seen which was being driven in a negligent manner and the complainant upon noticing the said car stopped his motorcycle. The said car driver also brought his car to a halt. When the complainant's brother-in-law (deceased)

confronted the driver of the said car and asked him as to why he was not driving his car properly, the said car driver hurled abuses and also hurled a stone hitting the complainant. Four more persons alighted from the car and gave beatings to complainant's brother-in-law and pushed him and as a result of which he sustained injury on his head. Although, the complainant's brother-in-law was taken to hospital, but he was declared dead.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and was never ever arrested at the spot and came to be nominated as an accused subsequently on the basis of alleged disclosure statement of co-accused Jaiprakash, who had subsequently been arrested. It has further been submitted that as a matter of fact complainant - Deepanshu has been examined during the proceedings of trial where he did not support the case of the prosecution at all and has been declared hostile. Learned counsel, in this regard, has drawn the attention of this Court to copy of statement of aforesaid Deepanshu, which is annexed as Annexure P-4 with the present petition.
4. While opposing the petition, learned State counsel submitted that apparently the petitioner has been able to win over the complainant. It has been submitted that it is the petitioner, who was driving the vehicle in question and during investigation it has been found that the vehicle stands registered in the name of uncle of the petitioner, which would clearly suggest that the petitioner was in possession of the vehicle and which establish the complicity of the petitioner. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 2 months and is not involved in any other date. It has also been informed that as on date 4 PWs out of cited 21 PWs have been examined.

5. This Court has considered the rival submissions.
6. Admittedly the petitioner is not named in the FIR. The prime witness of the prosecution is the complainant himself i.e. Deepanshu, who has not supported the case of the prosecution when examined during the proceedings of the trial. The petitioner has a clean record and has been behind bars for a substantial period of about 1 year and 2 months. Further detention of the petitioner would not be justified particularly when conclusion of trial is likely to consume time inasmuch only 4 PWs out of cited 21 PWs have been examined so far. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.3.2024

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No