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(206)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34595-2024

Date of Decision: 21.10.2024

KANHIYA LAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amarsh Dudeja, Advocate
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.245 dated 22.12.2022 (Annexure P-1) registered under Sections 346/302/201/34 IPC at Police Station Sector 20, Panchkula.

2. The present FIR came to be registered at the instance of Maya wife of Jagroop and the same reads as under:-

"Copy of complaint is to SHO sec 19 pkl, respected sir, I request you that I maya w/o of jagroop, R/o 253 village abhiyupur phase 1 Panchkula. That my husband jagroop, aged 50 years works on plot no-401 phase 1, panchkula. Dated 20.12.2022 my husband jagroop had gone to his work but he never returned from his work in the evening. Till today I have been searching for my husband around my area on my own and among my relatives, but till date I have not found any clue about my husband. My husband is addicted to drinking alcohol. A search should be conducted for my husband. Appearance- color wheat, Thin body,



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long face, a mark on his chest, height 5ft 4 inch, aged 50 years, wearing a blue jacket, grey color pant and is wearing slippers. (LTI-Maya) maya 8699398377 Police Action: today dated 22.10.2022 I ASI Mukesh 53 present in police chowki, At the same time, Maya mentioned above came to the police station and presented her application, which as per the gist of the application was found to be a crime under section 346 of IPC, a Tahrir Haja was filed and a case be registered. SPO Mukesh 53 of Arsal police station. Today - PP Sec 19 PKL. (SD/- GURBACHAN ASI) PP Sec 19 PKL 22/12/2022. At 7.30 PM.”

3. The learned counsel for the petitioner contends that as per the case of the prosecution, one Krishan Kumar produced co-accused Ram Chander before the Investigating Agency who confessed to have committed the offence in connivance with the present petitioner. The said statement would amount to an extra-judicial confession in the presence of the Investigating Agency which has little evidentiary value. Further, Krishan Kumar Aggarwal who was examined as PW-4 and complainant-Maya who was examined as PW-2 did not support the prosecution case. As the petitioner was in custody since 26.12.2022 but only 09 of the 20 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A reply dated 18.10.2024 by way of an affidavit of Manpreet Singh Sudan, IPS, Assistant Commissioner of Police, Panchkula has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that though the witnesses had turned hostile, there was a CCTV footage showing the

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deceased was in the company of co-accused Ram Chander in whose disclosure statement the present petitioner was mentioned. Therefore, he was not entitled to the concession of bail.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 26.12.2022 and only 09 of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Kanhiya Lal son of Ram Bhajan is ordered to be released on bail subject to his 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

21.10.2024

JITESH

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