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2024:PHHC:006603

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43615-2023 (O&M)
Date of decision:- 18.01.2024

PARDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Lathwal, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in FIR No.26, dated 28.01.2021 under Sections 302, 34 IPC (later on added Section 201 IPC registered at Police Station Gohana Sadar, District Sonipat.

Counsel for the petitioner has contended that no specific role has attributed to the petitioner at the first instance as the main accused are Amit and Sumit and its a case circumstantial evidence at large. He has further contended that the name of the petitioner has surfaced during supplementary complaint moved by the complainant on 28.01.2021 i.e. only after the registration of the present FIR.

It is submitted on behalf of the petitioner that the only incriminating material relied upon by the prosecution is recovery of one car

bearing registration No. DL-11-CA-3544, mark Skoda, which do not relate to the petitioner but to the other co-accused namely Amit and hence, it is a case of false implication and alleging that, has sought the concession of regular bail to the petitioner.

According to the custody certificate filed by learned State counsel, the petitioner has suffered incarceration 02 years, 03 months and 23 days. He prays for dismissal of the present petition stating that the petitioner is also involved in other cases, as is evident from the custody certificate. It is submitted by learned State counsel that the trial is at fag end wherein out of total 20 prosecution witnesses only two formal witnesses remains to be examined and the next date of hearing before the trial Court is 15.02.2024

Be that as it may, having considered the fact that it is a case of circumstantial evidence and even no specific role has been pointed out by the prosecution till date despite the fact that the petitioner has suffered incarceration for a period of 2 years 3 months and 23 days and in the light of the fact that the trial is almost over and only two formal witnesses remains to be examined by the prosecution, which shows that there is no likelihood of tampering of the prosecution witnesses by the petitioner, this Court deems it appropriate that the petitioner deserve the concession of regular bail.

As far as the pendency of other cases is concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other

cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.01.2024

Sham/ramandeep singh

(SANDEEP MOUDGIL)

JUDGE

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