

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49281-2022

Date of Decision: February 12, 2024

VISHAL @ SUNNY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aman Pal, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Akashdeep Singh, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 345 dated 29.06.2021 registered under Sections 201 & 302 of IPC and Sections 148, 149 and 34 of IPC added later on at P.S. Shivaji Colony, Rohtak.

2. Learned counsel for the petitioner submits that the petitioner was named in the FIR on the basis of disclosure statement made by co-accused namely Sandeep which was recorded on 01.07.2021. He further submits that the petitioner is already behind the bars for a period of almost 2 years and 7 months and the investigation already stands concluded with the filing of challan followed by framing of charges whereas only two of the prosecution witnesses have been examined so far out of the total 45 (including 6 named in the supplementary challan) and the trial is likely to take some time. Learned counsel for the petitioner also refers to the medical condition of the petitioner who had

suffered a severe head injury in the year 2019 and needs immediate help.

3. Prayer made herein has been vehemently opposed at the instance of learned State counsel assisted by learned counsel for the complainant while submitting that prima facie involvement of petitioner was established during investigation with the repeated calls between Sandeep and the petitioner on the date of incident i.e. 28.06.2021 besides, the recovery of blood-stained stone on the disclosure statement made by the petitioner. Learned State counsel further points out that the mobile tower location of the petitioner and the main accused Sandeep are also found to be near the place of incident.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner has been behind the bars for a period of 2 years and 7 months and the investigation stands concluded with the filing of challan followed by framing of charges. 43 witnesses are yet to be examined and thus the trial is likely to take some time. On the other hand, material witnesses i.e. complainant-Rajender and wife of deceased-Sudesh already stands examined and as such there is no threat of the petitioner influencing the material witnesses. Moreover, the relevance of the scientific evidence collected by the Investigating Agency in the shape of mobile tower locations as well as mobile calls between Sandeep and Vishal shall be gone into at the stage of trial which itself is likely to take some time. Considering the

totality of the facts and circumstances, this Court does not find find justification to extend his incarceration any further.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 learned trial Court/Duty Magistrate.

12.02.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>