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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47903-2023
Date of decision: 09.04.2024

KAPTAN @ BAHADUR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Shivansh Malik, Advocate and
Mr. Ashutosh, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.280 dated 17.10.2021, under Sections 302, 323, 148 and 149 of the IPC, registered at Police Station Lakhan Majra, Rohtak, Haryana.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years, 5 months and 20 days and all the material witnesses have already been examined. He further submitted that as per the FIR, three persons who have been named in the FIR and who are the co-accused have caused injuries to the deceased and one of the co-accused, namely, Arjun, who is the son of the present petitioner is also named in the FIR. He further submitted that the petitioner being father of the aforesaid Arjun has been falsely implicated in

the present case later on. He also submitted that the petitioner has clean antecedents and he is not involved in any other case and even otherwise also, all the material witnesses have been examined and therefore, considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that it is correct that the petitioner is in custody for 2 years, 5 months and 20 days and the name of the petitioner did not figure in the FIR and he was named later on. While referring to the status report filed on behalf of the respondent-State, he further submitted that during investigation, it was found that the petitioner had also caused injuries to the deceased by way of a wooden stick and therefore, he was also involved in the present offence. He further submitted that so far as the stage of the trial is concerned, 11 prosecution witnesses out of total cited 16 prosecution witnesses have been examined including all the material witnesses. He also submitted on instructions that the petitioner has clean antecedents and he is not involved in any other case.

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

5. The petitioner is in custody for 2 years, 5 months and 20 days and as per the learned counsel for the parties, the petitioner has clean antecedents and he is not involved in any other case. All the material witnesses are stated to have been examined and the name of the petitioner did not figure in the FIR although the names of the other co-accused persons figured in the FIR and so far as the present petitioner is concerned, his name was nominated later on during investigation. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with the evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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