

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

CRM-M-51196-2024 (O&M)
Date of Decision:- 05.12.2024

Jai Prakash ... Petitioner
Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kartikay Masta, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
588	24.12.2022	Saran, Faridabad	302, 323, 34 IPC

GURVINDER SINGH GILL, J.

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Dipanshu brother-in-law of the deceased wherein it is alleged that on 23.12.2022 when he (complainant) along with his brother-in-law was going on a motorcycle driven by him (complainant), then a car which was being driven in rash manner stopped near them. When the complainant's brother-in-law objected to the same, then one of the occupants of the car after coming out of the same threw a stone towards the complainant hitting him on his elbow. Shortly thereafter another 4



persons also alighted from the car and gave beatings to the complainant's brother-in-law leading to his death.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated subsequently on the basis of statement made by one Sachin who is stated to be nephew of the registered owner of the car in question.
4. Learned counsel for the petitioner further submitted that in any case since complainant Dipanshu and one more eye-witness have already been examined during the proceedings of trial and none of them had supported the case of prosecution, the petitioner deserves the concession of regular bail particularly when he has already been behind bars since the last about 2 years and otherwise enjoys a clean record.
5. Opposing the petition, learned State counsel submitted that it is apparently a case where the accused has been successful in intimidating the complainant who has not fully supported the case of prosecution. It has also been informed that the petitioner was earlier involved in a case registered under Section 306 IPC, but stands acquitted. It has however, been informed that the petitioner has been behind bars since the last 1 year and 11 months.
6. This Court has considered rival submissions addressed before this Court.



7. Having regard to the fact that the petitioner has been behind bars for a substantial period of about 2 years and the complainant and other eye witness have already resiled, further detention of the petitioner would not be justified. The petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.12.2024

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No