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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52896-2023  
Date of decision: 28.10.2024

DEEPAK

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

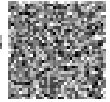
Present:- Mr. Sanpreet Singh Sandhu, Advocate for the petitioner.

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

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JASGURPREET SINGH PURI, J. (Oral)

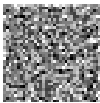
1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.207 dated 17.05.2019, under Sections 302, 120-B, 34 of the IPC and Section 25 of the Arms Act, registered at Police Station City Jhajjar, District Jhajjar, Haryana.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 4 years, 10 months and 2 days and all the material witnesses have been examined. He further submitted that 12 prosecution witnesses have been examined out of total cited 37 prosecution witnesses and considering the large custody of the petitioner and the fact that trial of the case may take a long time to conclude, he may be considered for the grant of regular bail. He further submitted that although the petitioner is involved in other cases as well but in



three of the cases he has been acquitted and in the remaining cases he is already on bail. He further submitted that earlier the petitioner filed two regular bail petitions before this Court, first pertaining to the present FIR and second pertaining to FIR No.336 dated 21.11.2019, which were dismissed on 23.08.2022 and that point of time, the prosecution witnesses were not examined. He further submitted that so far as the second FIR is concerned, the petitioner has already been granted bail by the learned Additional Sessions Judge, Jhajjar on 01.09.2023.

3. Learned counsel for the petitioner also submitted that the mere fact that the petitioner is involved in 3-4 more cases would not disentitle him for grant of regular bail particularly in view of the fact that petitioner has already faced incarceration for 4 years, 10 months and 2 days and also the fact that in the present case, the petitioner was not named in the FIR and he was nominated only on the basis of disclosure statement. He further submitted that although as per the State, recovery of one pistol and some cartridges have been recovered from the petitioner but it was only at the time when he was in custody in some other FIR and considering the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

4. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that it is correct that the petitioner is in custody for 4 years, 10 months and 2 days and it is also correct that 12 prosecution witnesses have been examined out of total cited 37 prosecution witnesses. He has however opposed the grant of regular bail to the petitioner on the ground that the matter was serious in nature because a group of persons had come to the shop of the deceased and killed him. He further submitted that during investigation, when



the petitioner was already in custody in some other case he had rather deposed that he was involved in the present case and at his instance there was a recovery of pistol and some cartridges under Section 27 of the Indian Evidence Act.

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

6. The petitioner is in custody for 4 years, 10 months and 2 days. As per the learned counsels for the parties, all the material witnesses have already been examined. The petitioner is stated to be acquitted in three other cases and with regard to the remaining cases, he is already on bail.

7. This Court is of the view that considering the aforesaid long custody of the petitioner, the fact that he was nominated on the basis of disclosure statement and also the fact that he is already on bail in the aforesaid FIR No.336 dated 21.11.2019, regarding which a petition was filed before this Court and the same was dismissed on 23.08.2022 as aforesaid, the petitioner deserves the concession of regular bail.

8. 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.

9. 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.

28.10.2024  
Chetan Thakur

(JASGURPREET SINGH PURI)  
JUDGE

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