

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

CRM-M-58118-2023 (O&M)
Date of Decision:- 29.01.2024

Rohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Pankaj Nanhera, Advocate, for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

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

GURVINDER SINGH GILL, J. (Oral)

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 was lodged at the instance of Deepanshu wherein it is alleged that on 23.12.2022 when he along with his brother-in-law Shiv Kumar was going on a motorcycle which was being driven by him (complainant), a car was seen which was being driven in a negligent manner and the complainant upon noticing the said car stopped his motorcycle. The said car driver also brought his car to a halt. When the complainant's brother-in-law (deceased) confronted

the driver of the said car and asked him as to why he was not driving his car properly, the said car driver hurled abuses and also hurled a stone hitting the complainant. Four more persons alighted from the car and gave beatings to complainant's brother-in-law and pushed him and as a result of which he sustained injury on his head. Although, the complainant's brother-in-law was taken to hospital, but he was declared dead.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated as an accused on the basis of a disclosure statement made by co-accused Sachin i.e. the driver and owner of the car in question. It has further been submitted that as a matter of fact complainant-Deepanshu has been examined during the proceedings of trial where he did not support the case of the prosecution at all and has been declared hostile. Learned counsel has today passed on a copy of statement of aforesaid Deepanshu recorded by the trial Court on 18.10.2022 which does show that the complainant has not supported the case of prosecution.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner has apparently won over the complainant and that since specific allegations are there against the petitioner in the disclosure statement made by Sachin, the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that as on date the petitioner has been behind bars since the last about 1 year and 1 month and is not involved in any other case. Learned State counsel has further informed that as on date 4 out of cited 20 PWs have been examined.

5. This Court has considered the rival submissions.
6. Admittedly the petitioner is not named in the FIR. The prime witness of the prosecution is the complainant himself i.e. Deepanshu, who has not supported the case of the prosecution when examined during the proceedings of the trial. The petitioner has a clean record and has been behind bars for a substantial period of 1 year and 1 month. Further detention of the petitioner would not be justified particularly when conclusion of trial is likely to consume time inasmuch only 4 out of cited 20 PWs have been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.01.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No