

CRM-M-61637-2023

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2024:PHHC:045285

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61637-2023
Date of decision : 04.04.2024

KRISHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Devender Kumar, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.549 dated 27.07.2018 (wrongly mentioned as 26.07.2018 in the impugned order) registered for the offences punishable under Sections 302, 34 of the Indian Penal Code, 1860 and Sections 25, 54 of Arms Act, 1959 at Police Station Sadar Palwal, District Palwal.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxxI, Govind son of Ganga Charan, Caste Jat, am permanent resident of Dheegot, Mohalla Hassupatti, District Palwal. We are three brothers, youngest brother is Joginder, age around 21 years, who is unmarried. We bothbrothers and Sunil are doing the work of welding material and shattering. Yesterday on 26.07.2018 there was the birthday of son of Pawan son of Ganga Charan, therefore,

the family members were at the house of Pawan. That Priyanka wife of Rohtash, Caste Jat, resident of Village Dheegot was having relation, Joginder and Priyanka were having talks on phone. The conduct of Priyanka is not good. Yesterday Priyanka gave a threat to Joginder on phone while having conversation with him, that today I will kill you with bullet. Joginder had eaten food at the house of Pawan and from the house of brother Pawan went to his house from Raidaska Chowka towards Awadi, Priyanka wife of Rohtash, Krishan son of Ganga, resident of Dheegot and Harkesh son of Rajesh, resident of Mandnaka were found standing on the way and started fighting with Joginder and gave beatings. Priyanka and Krishan caught hold and Priyanka gave lalkara that Harkesh shot him, Harkesh armed with his weapon shot Joginder and as a result Joginder fell on the ground. Krishan and Harkesh on their motorcycle by waiving the weapons ran towards Bamnikhera road. Priyanka ran towards house. This incidence is of around 09:30 p.m. This incident has been witnessed by me Govind, my cousin brother Sunil son of Rajender Singh. We both were coming by closing our shop, that after hearing the noise of fights, we reached at the spot. That my brother Joginder have been killed which is uncalled. Strict legal action be taken against them. Justice be given to us. Xxx”

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 5 years, 7 months and 6 days and till date 14 material witnesses including complainant stand examined. There are total 26 witnesses. Trial is not likely to conclude in near future. Complainant appeared as PW1 and has not supported the case of the prosecution. He further submits that otherwise also the story projected by the prosecution is fallacious. It is being claimed that the petitioner was in illicit relation with Priyanka wife of the victim Jogender and yet it is claimed that she aided the murder.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the trial is not likely to conclude in near future, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 04, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No