

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63333-2023
DECIDED ON: 13.03.2024

VIKRANT @ MONUPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sanpreet Sadhu, Advocate, for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No.74, dated 20.05.2020, under Sections 302, 148, 149 of the Indian Penal Code, 1860 and under Section 103(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadhaura, District Yamuna Nagar.
2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case, as there is a delay in lodging the FIR. It is further contended that initially challan under Section 302 IPC was filed against Gurdeep @ Gogi only but later on, SIT was constituted, who has filed supplementary challan against the present petitioner along-with Aman and Rajat @ Shubham for commission of offence under Section 304 IPC only. It is submitted on behalf of the petitioner that it is case of version and cross-version and the complainant party is the aggressor one. It is further submitted that the whole case of the prosecution is doubtful as there was no sharp weapon injury visible on the body at the time of medical examination of Ankush (since deceased), hence, the allegations are

false on the face of it. The assertion is that offence as enumerated under SC/ST Act are not made out against the petitioner.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the petitioner has actively participated in commissioning of offence.

4. Heard learned counsel for the respective parties.

5. Considering the custody period of the petitioner i.e. 3 years 4 months and 8 days as of now, who is a person of clean antecedents, as is evident from the custody certificate added with the fact that charges were framed on 02.09.2021 and out of total 34 prosecution witnesses only 14 has been examined, which is sufficient to infer this Court that the conclusion of trial shall take considerable time and there is not only an improvement in the deposition of material witnesses, but their testimony is at variance, this Court is of the opinion that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also tantamount to infringement of his life and liberty as enshrined under Article 21 of the Constitution of India.

6. In view of the discussion made hereinabove, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. However, it is clarified that nothing stated hereinabove, shall be construed to be an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

13.03.2024

Sham

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*