

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-64320-2023
DECIDED ON: 21.03.2024**

RAJAT @ SHUBHAM

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. B.S. 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 10 3(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, then the challan was filed under Section 304/34 IPC and charges were framed on 02.09.2021 under Section 302/34 IPC and Section 3(2)(V) 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. He further contends that the petitioner is in custody since 30.01.2021. 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 Vikrant @ Monu 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. He further contends that the co-accused of the petitioner namely, Vikrant @ Monu has been granted the concession of regular bail by this Court vide order dated 13.03.2024, passed in CRM-M-63333-2023.

4. On the other hand, learned State counsel prays for dismissal of the present petition stating that the petitioner has actively participated in commissioning of offence.

5. Heard learned counsel for the respective parties

6. Considering the custody period of the petitioner i.e. almost 3 years and the fact that co-accused of the petitioner namely, Vikrant @ Monu has been granted the concession of regular bail by this Court vide order dated 13.03.2024 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 will 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.

7. 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.

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

21.03.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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