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

CRM-M-2715-2024

Date of decision: 18.03.2024

Gaurav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lalit K. Gupta, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.401 dated 02.12.2021, under Sections 302/34 of IPC, registered at Police Station Old Faridabad, District Faridabad, Haryana.

2. Allegations in nutshell are that complainant Siddharth Kumar reported to the police that he was working as a contractor to supply waiters for wedding events and deceased Ram Subhagya Parshad used to stay with him. On 01.12.2012, complainant along with deceased and other employees arrived at Aggarwal Dharamshala in old Faridabad to attend a marriage function. The deceased was deputed to wash dishes. At about 09:30 PM, another waiter namely Pankaj informed the complainant that deceased was

lying in an injured condition at gate of Dharamshala. Then complainant reached the spot and took injured to Sarvodaya Hospital where deceased was declared dead. The petitioner was arrested on 02.12.2021 and disclosed that scuffle had taken place with the deceased on the day of incident and Sonu @ Pola and Deepu @ Kale also participated in said scuffle.

3. The counsel for the petitioner submits that FIR in this case was registered against unknown persons on the basis of the statement of complainant Sidharth Kumar, who while appearing in the witness box failed to support the case of prosecution as is evident from his deposition Annexure P-2. It is further submitted that one another material witness Sukan Chand also did not support the case of prosecution. The copy of his statement is taken on record. The counsel for the petitioner further submits that petitioner is in custody for last more than 2 years and 3 months and it will take time for trial to conclude and co-accused Sonu @ Pola was granted concession of regular bail by this Court vide order dated 09.10.2023 having CRM-M-40458-2023.

4. The present petition is contested by the State counsel who filed status report by way of affidavit of Monica, Assistant Commissioner of Police, Women Safety along with copy of RFSL Annexure R-1. The State counsel has submitted that petitioner is the main accused who assaulted deceased at the time of occurrence. However, the State counsel on instructions from SI Rajesh has not disputed the fact that all the main witnesses are examined and complainant and Sukan Chand failed to support the case of prosecution while appearing in the witness box. The State counsel further apprised the Court that it will take time for the trial to

conclude as 15 more witnesses are to be examined on behalf of prosecution.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, FIR in this case was registered against unknown persons who committed murder of Ram Subhagya Parshad. The petitioner was nominated as accused and is in custody for the last more than 2 years and 3 months. During trial, complainant and one another material witness failed to support the case of prosecution. The entire case is based on circumstantial evidence and it will take considerable time for the trial to terminate. Co-accused Sonu @ Pola is enlarged on bail by this Court vide order Annexure P-4. In the given circumstances, no fruitful purpose is going to be served, by keeping the petitioner in custody for any longer period.

7. In light of the above, without expressing on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.03.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No