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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50628-2024 (O&M)
Date of Decision: 22.01.2025

Jitender @ Jeetu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagjeet Singh Beniwal, Advocate, for
Mr. Rajesh Dhiman, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.440 dated 26.11.2019, under Sections 148, 149, 302, 307, 341, 506 IPC and Sections 27 and 30 of Arms Act, registered at Police Station Kalanaur, District Rohtak.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody from 29.11.2019 which is more than 5 years and 1 month and out of total 29 cited prosecution witnesses 13 have been examined and all the material witnesses stand examined. He submitted that it is a case where the allegations against the petitioner were that he alongwith the co-accused which included his brother namely, Dalbir had way laid the deceased and petitioner from his licenced weapon caused



firearm injuries to the deceased who later on died. He submitted that so far as the aforesaid other co-accused who is the brother of the petitioner namely, Dalbir is concerned, he has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-4 on 15.11.2021 and so far as the present petitioner is concerned, although there were direct allegations attributable towards petitioner that he had fired bullets from his licenced gun but considering the long custody of the petitioner which has come out to be more than 5 years and 1 month and the fact that trial of the case is going at a very slow pace, he may be considered for the grant of regular bail. He also submitted that the petitioner is not involved in any other case except for one case under Section 323 IPC and in that case he stands acquitted and considering the aforesaid long custody of the petitioner, he may be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that 13 witnesses have been examined and all the material witnesses have been examined. He has however submitted that there was a recovery of .32 bore revolver and 6 empty cartridges from the petitioner and they matched with the bullets which have been recovered from the body of the deceased and therefore, the petitioner does not deserve the concession of regular bail.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner has already faced incarceration for more than 5 years and 1 month and as per learned counsel for the parties, out of total 29 cited prosecution witnesses 13 have been examined and all



the material witnesses stand examined. The petitioner is stated to be having clean antecedents because as per learned counsel for the petitioner, he was earlier involved in one case under Section 323 IPC but he stands acquitted in that case.

7. After hearing the learned counsels for the parties, this Court is of the considered view that without making any observation on the merits of the case and solely on the basis of the long custody of the petitioner which is stated to be more than 5 years and 1 month and the fact that about 16 witnesses are still to be examined, the petitioner deserves the concession of regular bail.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court /Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.01.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No