

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30100 of 2018

DATE OF DECISION:01.11.2018

Arvind @ Kukku

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Alisha Soni, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Arvind @ Kukku in case FIR No. 674 dated 1.10.2014 registered under Sections 148/149/307/302/120-B IPC and Section 25/54/59 of Arms Act at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case without having any connecting evidence. The investigation of the case has been completed and the petitioner is in custody since 5.10.2014. The earlier petition filed by the petitioner for grant of bail has been dismissed only on the ground that the complainant has not been examined. Learned counsel further contends that co-accused of the petitioner, namely, Ravi Kumar @ Lala and Bharat Singh have been released on regular bail by this Court vide orders dated 27.4.2018 and 1.2.2017, respectively. Learned counsel also contends that intentionally the complainant is not coming to get his statement recorded inspite of order

passed by the trial Court. Out of total 35 prosecution witnesses, 22 have been examined and still trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is main accused as death has occurred due to fire shot made by him. The petitioner cannot claim parity with the co-accused, who have been released on regular bail. Learned State Counsel also contends that complainant-Neeraj has not been examined so far.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on file.

Without commenting anything on the merits of the case and keeping in view the custody of the petitioner, which is more than four years; out of total 35 prosecution witnesses, 22 have been examined; trial may take long time to conclude; no purpose would be served by keeping the petitioner behind the bars and moreover co-accused have been released on regular bail, the present petition is allowed. Petitioner-Arvind @ Kukku is directed to be released on regular bail subject to his furnishing bail bail/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner tries to influence the remaining witnesses or tamper with the evidence, State is at liberty to move an application for cancellation of bail.

November 01, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No