

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+212

CRM-M-3121-2018(O&M)

Date of Decision: August 16, 2018

Vineet @ Kala

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CRM-M-6439-2018

Akshay @ Aksar

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vikram Chaudhary, Senior Advocate with
Mr. Harshit Sethi, Advocate
for the petitioner (in CRM-M-6439-2018)

Mr. Gurkirat Singh, Advocate
for the petitioner (in CRM-M-3121-2018).

Mr. M.D. Sharma, AAG, Haryana.

Sudhir Mittal, J. (Oral)

CRM-28344-2018 in
CRM-M-3121-2018

Notice of the application.

Mr. M.D. Sharma, AAG, Haryana, accepts notice on behalf of
respondents. Let adequate copies of the application be supplied to him during the

course of the day.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

Documents at Annexures P-3 to P-6, are taken on record.

CRM-M-3121-2018 and CRM-M-6439-2018

This order shall dispose of ***CRM-M-3121-2018 and CRM-M-6439-2018*** as the same have arisen out of the common FIR No.606, dated 04.07.2017, under sections 302, 34, 120-B, 420, 473 IPC and section 25 of the Arms Act, 1959, trial of which is statedly pending in the Court of Additional Sessions Judge, Kurukshetra.

2. FIR is registered on 04.07.2017 regarding the murder of one Surender Kumar @ Jalandhar son of Vijay Singh.

3. Petitioner-Akshay @ Aksar was arrested on 09.07.2017 and petitioner-Vineet @ Kala was arrested on 13.07.2018.

4. Learned Senior counsel appearing for the petitioner-Akshay @ Aksar submits that a perusal of the challan shows that neither Akshay @ Aksar nor Vineet @ Kala, are attributed the role of firing at the deceased Surender Kumar alias Jalandhar son of Vijay Singh. Their role is allegedly of having participated in a conspiracy to murder said Surender Singh alias Jalandhar son of Vijay Singh. As on date, apart from disclosure statement of co-accused in police custody, there is no other evidence linking the petitioners with the crime. Statements of the complainant as well as other prosecution witnesses, who have deposed as PW2, PW3, PW5 and PW11, have also been referred to in which the names of the petitioners did not find mention as the perpetrators of the crime. It is further

submitted that five out of eleven prosecution witnesses have been examined till date and that completion of the trial is likely to take some time thus entitling the petitioners to grant of regular bail.

5. The factual submissions recorded hereinabove, have not been disputed by learned State counsel.

6. Keeping in view the fact that the petitioners are not alleged to be the perpetrators of the crime and that as on date, it cannot be said with any amount of certainty that the petitioners were involved in a conspiracy and further, trial is not likely to be concluded any time in the near future, I deem it just and appropriate to grant regular bail to the petitioners.

7. In view of the above, petitions are allowed and the petitioners- Vineet @ Kala and Akshay @ Aksar, are ordered to be released on regular bail on their furnishing bail bond with local surety to the satisfaction of learned trial Court concerned at Kurukshetra subject to the conditions that the petitioners shall not absent themselves during the entire trial.

August 16, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No