

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

CRM-M No.42281 of 2017

DATE OF DECISION:24.05.2018

Kuzan @ Nanha @ Jailer @ Phul Kumar

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. KS Dhaliwal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.240, dated 05.06.2016, registered under Sections 302, 307, 148, 149, 120-B/216 IPC and Section 25/54/59 of the Arms Act at Police Station Safidon, District Jind.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as there is no connecting evidence to connect the petitioner in the commission of murder of the deceased. Even his name was not mentioned in the FIR. He has been made accused only with the aid of Section 120-B IPC. There is no specific allegation against the petitioner. Petitioner is in custody since 23.02.2017. Co-accused of the petitioner against whom the allegations are similar have been released on regular bail on various dates. Co-accused Devender @ Monu who filed CRM-M No.42029 of 2016 was granted bail on 12.01.2017, Ram Pal filed CRM-M No.5472 of 2017 and was released on bail vide order dated 27.02.2017. Similarly Sombir also filed CRM-M

No.31411 of 2017 and he was granted bail vide order dated 13.09.2017.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that involvement of petitioner cannot be disputed as the petitioner was present at the place of occurrence.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR and other documents available on the file including the order passed in cases of the co-accused.

Petitioner is in custody since 23.02.2017 and he has been implicated in the case only on the basis of disclosure statement made by co-accused. The case of the petitioner is at par with co-accused who have been released on regular bail vide different orders. The allegations of 120 B IPC is a matter of evidence and same will be looked into by trial Court during trial. The petitioner has also undertaken not to influence the witnesses and not to tamper with the evidence. He also undertakes to abide by all the terms and conditions to be imposed by this Court or by the trial Court. The petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court. It is made clear that in case the petitioner is found to be involved in some other case of similar nature in future, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

24.05.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

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