

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

**CRM-M-31263-2019
Date of decision: 05.11.2019**

Vishal @ Maya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 240 dated 05.06.2016, registered under Sections 148, 149, 302, 307 and 120-B of the IPC and Section 25 of the Arms Act, 1959 at Police Station Safidon, District Jind.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant Raj Karan has specifically attributed the motive to some of the co-accused named in the FIR, whereas the allegation against the petitioner is that he has done recce of deceased Virender @ Narender and has given information to other co-accused.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last one year and the case is still at the stage of recording the statement of prosecution witnesses.

Learned counsel for the petitioner has relied upon order dated 24.05.2018 passed by this Court in CRM-M-42281-2017, wherein while

granting regular bail to co-accused Kuzan @ Nanha @ Jailer @ Phul Kumar, it was noticed by the Court that some other co-accused, namely Devender @ Monu, Ram Pal and Sombir, have already been granted concession of regular bail. The operative part of the order reads as under:

“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. Coaccused 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.”

Learned State counsel has filed custody certificate and as per same, the petitioner is in judicial custody for the last more than one year.

Learned State counsel, on instructions from SI Gulab Singh, submitted that the allegation against the petitioner is of doing recce and giving information to other co-accused about the movement of the deceased.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that co-accused of the petitioner have already been granted concession of regular bail as noticed above; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

05.11.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*