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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47745-2019

Date of decision-18.11.2019

Kapil

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Kapil has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.352 dated 29.07.2018 registered under Sections 148, 307, 302, 379 and 120-B read with Section 149 of Indian Penal Code, 1860 and Sections 25 and 54 of Arms Act, 1959 at Police Station Butana, District Karnal. The petitioner is in custody since his arrest on 29.07.2018.

The FIR was registered on the statement of complainant, namely, Naresh Kumar son of Sh.Phool Singh, wherein it was alleged that on 29.07.2018, when complainant and his brother-Suresh @ Babli were returning back from the house of the Sarpanch, a white coloured i-20 car came from the side of Ravidas Mandir in which 4-5 persons armed with weapon were sitting. Then Krishan, Pawan, Jasbir Singh @ Jabra, Sherkhan

and Sunny came out and fired gun shots towards the brother of complainant with an intention to kill, who later on succumbed to the gun shot injuries. On these broad allegations FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as neither he was present on the spot, nor named in the FIR. He further invited the attention of the Court to the order dated 24.07.2019 (Annexure P-2) passed by this Court, whereby concession of regular bail has already been extended to co-accused. He submits that his case is similar to the co-accused, Bhajan Lal as they both were indicted on the strength of Section 120-B IPC. According to him, trial is likely to consume some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel who is assisted by ASI Shiv Charan opposed the prayer on the ground that the offence is serious in nature, therefore, petitioner does not deserve the concession of bail. However, it is not disputed that accused-Bhajan Lal has already been granted the concession of regular bail and case of the petitioner is at par with Bhajan Lal.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial

Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

18.11.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No