

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-5748 of 2020 (O&M)
Date of Decision : 25.08.2020

Hardeep Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

(Through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

CRM-8880-2020

Present application has been filed for placing on record disclosure statement of Hardeep Kumar alongwith photographs as Annexures R-2/1 and R-2/2.

Application is allowed and disclosure statement of Hardeep Kumar alongwith photographs as Annexures R-2/1 and R-2/2 are taken on record.

CRM No. M-5748-2020

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 400 dated 19.10.2019, under Sections 307, 427, 120-B of IPC, registered at Police

Station Sadar, District Fatehabad.

Learned counsel for the petitioner argues that the petitioner has only been roped in keeping in view the criminal conspiracy. The said conspiracy, which is being attributed to the petitioner, is yet to be proved in the Court of Law. Learned counsel submits that Santosh i.e. the co-accused, who was actually in the Car, which hit the complainant, has already been granted the benefit of regular bail by this Court while deciding CRM No. M-15926 of 2020 on 06.07.2020, therefore, petitioner is entitled for the concession of regular bail.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State and Mr. R.S. Mamli, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant. Learned State counsel as well as learned counsel for the complainant submits that in fact the petitioner conspired to eliminate the complainant, due to the matrimonial dispute, which he was having with the complainant.

I have heard learned counsel for the parties and have gone through the record very carefully.

The allegation of conspiracy against the husband is yet to be proved. Further, the co-accused Santosh, who was actually in the vehicle, which hit the complainant, has already been extended the benefit of regular bail by this Court while deciding CRM No. M-15926 of 2020 on

06.07.2020. Learned counsel for the respondents does not dispute that in the said accident, the complainant only suffered simple and minor injuries. Nothing is to be recovered from the petitioner and no useful purpose will be served by keeping the petitioner behind the bars as the trial is likely to take some time, the petitioner has made out the case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 25, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No