

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

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**CRM-M-14191-2020 (O&M)
Date of Decision: 04.09.2020.**

Kuldeep @ Lila

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Manoj Kumar Taya, Assistant Advocate General, Haryana.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-21461-2020

Prayer made in the application is for placing on record judgment dated 01.05.2017 and judgment dated 18.02.2019 as Annexures P3 and P4, respectively.

Notice of the application.

Mr. Manoj Kumar Taya, AAG, Haryana, who is present through conference call, accepts notice on behalf of respondent-State and submits that he has no objection in case the prayer is acceded to.

Application is allowed. Judgment dated 01.05.2017 and judgment dated 18.02.2019 as Annexures P3 and P4, respectively, are taken on record.

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Status report by way of affidavit dated 06.07.2020 of Sadhu Ram, Deputy Superintendent of Police, Narwana, District Jind has been filed on behalf of the respondent, in compliance of order dated 23.07.2020. Same is taken on record.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.258 dated 28.10.2015 under Sections 302, 216, 120-B IPC and Section 25 of the Arms Act, registered at Police Station City Narwana, District Jind.

Counsel for the petitioner has argued that the two main accused, namely, Pardeep alias Dog and Ashok, who have been named in the FIR, have already been acquitted by the Additional Sessions Judge, Jind, vide judgment dated 16.01.2019, Annexure P1. The sole allegation against the petitioner is that he had supplied the countrymade pistol to accused Narendra, which, after committing the murder, was returned back to him. He submits that no doubt the petitioner was declared as proclaimed offender on 28.09.2017 but he undertakes to appear before the trial Court as and when required. He was arrested on 10.10.2019 and is in custody since then.

Counsel for the petitioner has explained the pendency of four other cases against the petitioner which have been mentioned in the status report. He submits that by order dated 01.05.2017 (Annexure P3), the petitioner was acquitted in FIR No.276 dated 07.12.2013. While relying upon order dated 18.02.2019, Annexure P4, he submits that the petitioner has no concern with FIR No.199 dated 07.08.2015. In so far as FIR No.236 dated 01.01.2015 is concerned, the counsel, informs that the petitioner was granted regular bail by this Court vide order dated 19.06.2020 passed in

CRM-M-14180-2020. The fourth FIR against the petitioner is under Section 174-A IPC.

On the other hand, State counsel, on instructions from ASI Dilbhag Singh, submits that since the petitioner has been declared proclaimed offender, he does not deserve the concession of bail. He further points out that after the petitioner was arrested in FIR No.236 dated 01.01.2015, the pistol used in the murder was recovered on the basis of his disclosure statement. Challan in this case was filed on 28.11.2019 and the statements of prosecution witnesses are yet to be recorded and next date before the trial Court is 21.10.2020.

I have considered the rival submissions of the parties.

Keeping in view the period of incarceration and the fact that the trial of the case will take some time, this Court is of the considered view that further detention of the petitioner will not serve any useful purpose, therefore, without commenting anything on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Court.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.09.2020

komal

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