

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

CRM-M-14492-2020 (O&M)
Date of Decision : 25.06.2020

Gurpreet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. K.P.S.Virk, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (Oral)

Case has been taken up for hearing through video conferencing.

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.199 dated 16.04.2018, registered under Sections 148, 149, 323, 324, 302, 307, 447, 506, 511, 120-B IPC and 25 & 27 of the Arms Act, at Police Station Shahabad, District Kurukshetra.

According to prosecution, on the day time of 16.04.2018, petitioner alongwith his co-accused, 200-300 in numbers, armed with deadly weapons like, gun, cutter, country made pistols, sticks etc. forming an unlawful assembly, attacked the complainant and murdered Mangatdeen and Faquiran. That apart, assailants including petitioner caused simple as well as grievous injuries to 34 persons, besides injuries to Asmat Ali declared as dangerous to life.

Learned counsel for petitioner *inter alia* contends that the FIR was lodged against 19 persons, specifically disclosing their names. Petitioner was not named in the FIR. Even, he was not named by 09 injured persons whose statements under Section 161

Cr.P.C. were recorded on 20.04.2018. Petitioner was named by one Akhtar, attributing a danda blow to him. Thus, petitioner has no role in the murder of aforesaid two persons. He further contends that out of 83 prosecution witnesses, only 22 have been examined. Main material witnesses, initially, turned hostile. Now the public prosecutor has moved an application under Section 311 Cr.P.C. for re-examining these witnesses which would delay the conclusion of trial. Petitioner is in custody since 17.04.2018. Co-accused of the petitioner namely Hukam Chand and Parveen Kumar have been granted bail vide orders dated 05.03.2019 and 04.03.2020, in CRM-M-56084-2018 and 39117-2019 respectively.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

Considering overall circumstances and the facts that conclusion of trial may take sufficient long time on account of moving an application under Section 311 Cr.P.C. for re-examination of three prosecution witnesses, who earlier turned hostile, and treating the case of the petitioner on the same parity as that of his above-named co-accused, the petition is allowed. Consequently, petitioner Gurpreet Singh is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

25.06.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No