

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

207

CRM-M-17287-2020.

Date of Decision: 04.11.2020.

Brijesh Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Aman Pal, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

None for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C has been moved for grant of regular bail to petitioner-**Brijesh Kumar** in case FIR No.133 dated 02.05.2019 under Sections 120-B, 148 and 302 IPC read with Section 149 IPC, registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further contends that petitioner was not named in the FIR and he has been falsely implicated in this case merely on the basis of supplementary statement of complainant-Jaswinder Singh, recorded under Section 161 Cr.P.C. He further urges that no specific role has been attributed to the petitioner in the

commission of alleged offence and even otherwise no incriminating weapon/article was recovered at the instance of petitioner. He further urges that head injury on person of Mandeep Singh (since deceased), which proved fatal, has been attributed to co-accused Dharmender. He further urges that petitioner is in custody since 13.05.2019 and he is no more required by the Police for any investigation purpose. He further urges that after presentation of challan, trial has already commenced and during course of trial, material witnesses namely PW-7 Jaswinder Singh (complainant) and PW-8 Subhash Chand (eyewitness) have already been examined and they have not supported the cause of prosecution. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition, reply furnished at the instance of respondent-State as well as testimonies of PW-7 Jaswinder Singh and PW-8 Subhash Chand.

Allegedly, petitioner alongwith co-accused while armed with deadly weapons formed unlawful assembly and in prosecution of common object of said assembly committed murder of Mandeep Singh.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into

petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court; that testimonies of material witnesses namely PW-7 Jaswinder Singh (complainant) and PW-8 Subhash Chand (eyewitness) have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Brijesh Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kurukshetra, as the case may be.

(LALIT BATRA)
JUDGE

04.11.2020

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No