

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23973-2020 (O&M)
Date of Decision:-7.9.2020

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satyawan Singh Nain, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.1082, dated 18.10.2016, Police Station City, Gurugram, District Gurugram, under Sections 148, 149, 302, 307, 120-B IPC and Sections 24/54/59 of Arms Act.
2. The FIR was lodged at the instance of Karan Singh wherein it is alleged that one of his sons namely Munish Kumar is carrying on dairy and liquor business. On 17.10.2016, when the complainant was sitting at the liquor vend of his son, then at about 11.45 pm, his son Munish Kumar along with Liyakat and driver Sukhbir came in their car for collecting cash from the vend. Around the same time 8-10 young boys came there in a vehicle

carrying weapons and started firing at his son Munish and his companions and as a result of which his son Munish sustained bullet injuries on his head and chest and his driver Sukhbir as well as Liyakat also sustained bullet injuries. The assailants, after firing the shots, made good their escape in two vehicles. Munish was taken to hospital, but on account of the fire arm injuries he succumbed to death. It is further alleged that the complainant's family was having a dispute since long time with the family of Sandeep Gadoli and Kaushal and at the time of cremation of Sandeep Gadoli, his brother Kuldeep Brahm Prakash and his sister Sudesh announced that they will avenge the death of Sandeep and will not allow the family of Bhinder to celebrate Diwali. The complainant thus suspected that it is Brahm Prakash, Sudesh, Kaushal, Munish (brother of Kaushal) and Amit Dagar who are involved in the murder of complainant's son namely Munish.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of an alleged disclosure statement made by Kuldeep and Sonu. It has further been submitted that since the aforesaid Kuldeep as well as several other accused including Laksh Sharma and Sudesh have already been granted bail, therefore, the petitioner in any case deserves concession of bail on the grounds of party especially since he has been behind bars since the last 2 years, 3 months and 7 days.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named by co-accused, no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last 2 years, 3 months and 7 days.

5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is stated to be nominated on the basis of disclosure statement made by co-accused and that several of his co-accused have already been granted bail including Kuldeep and Sonu, who are named in the FIR and while also noticing that the petitioner has already suffered incarceration of 2 years, 3 months and 7 days, his further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. It is however, clarified that in case the petitioner is found to be misusing of concession of bail, the State would be at liberty to move for cancellation of his bail.

7.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No