

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

CRM-M-25543-2020 (O&M)

Date of Decision:- 23.11.2020

Krishan @ Kali

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Soni, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Ramesh.

(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.314, dated 13.12.2015, Police Station Farrukhnagar, District Gurugram, under Sections 302, 120-B, 148, 149 IPC and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Prem Chander wherein it is alleged that on 13.12.2015 when he was proceeding to attend a meeting of Panchayat to be held in their village, his son

Kapil was walking ahead of him. It is alleged that at that point of time 5 young boys came on 2 motorcycles and after alighting from the same fired from their pistols and revolvers at Kapil and then fled away from the spot. It is alleged that he was able to identify one of the said assailants as Manjeet S/o Jai Bhagwan and can also identify the others in case they are brought before him. The complainant further alleged that father of Manjeet namely Jai Bhagwan as well as Satya Parkash Pandit and Ram Kumar Pandit were having an old rivalry and had got his son Kapil killed through Manjeet Singh and his associates and that previously also i.e. about 2 ½ months back Manjeet and Vinod had fired at his son but on account of misfire his son was saved.

3. Learned counsel for the petitioner has submitted that he is no-where named in the FIR and has been later nominated as an accused on the basis of disclosure statement allegedly made by one Mohit who himself was nominated as an accused by co-accused Ram Kumar Pandit and Jai Bhagwan. Learned counsel has further submitted that the petitioner in any case has been behind bars since the last about 4 years and as such deserves the concession of bail especially since other identically situated co-accused namely Ram Kumar Pandit, Jai Bhagwan and Mohit have been granted bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named by his co-accused, no case for grant of bail is made out. Learned State counsel has further informed that the petitioner has been involved in 6 other cases and although he

stands acquitted in 5 of them but one is still pending. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last 4 years.

5. I have considered rival submissions addressed before this Court. Keeping in view the long custody period of the petitioner who has been behind bars since the last about 4 years and has been nominated on the basis of disclosure statement, the admissibility of which would be debatable, further detention of the petitioner will not serve any useful purpose as the trial under normal circumstances is not likely to be immediately concluded. 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.

November 23, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No