

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

222

CRM-M-48047 of 2019

Date of decision : 14.01.2020

Jaspal alias Pali

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present : Mr.Rajiv Kataria Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr.Nonish Kumar, Advocate for the complainant.

Gurvinder Singh Gill, J. (Oral)

1. Petitioner has approached this Court seeking grant of regular bail in case, FIR No.19 dated 17.01.2019, registered under Sections 148, 149, 302, 392, 216, 420, 120-B, IPC and Sections 25, 54, 59 of the Arms Act, 1959 at Police Station Taraori, District Karnal.
2. The FIR in question was lodged at the instance of Ram Singh wherein it has been alleged that on 17.1.2019 when he along with his brother Ranbir Singh was returning to his village after attending Radha Swami Satsang, Taraori, then on the way, they saw his nephew Vikas @ Pintu sitting in a vehicle bearing registration No.HR05-AS-6241 make Swift. Around the same time, two vehicles came there and one of the said vehicles was bearing registration No.HR-14N-5647. It is alleged that Jabra, Krishan and Sunny Mass stepped down from the said vehicle, who were carrying weapons in their hands and started

firing indiscriminately at Vikas. It is further alleged that Jabra's brother namely Jachak, his '*jeeja*' (brother-in-law), his father Manjit Singh as well as Pawan Singh who were sitting in another vehicle were exhorting them not to spare Vikas. After the aforesaid firing, the accused fled away from the spot along with their vehicles. It is further alleged that Vikas died on account of firearm injuries.

3. The Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. It has been submitted that although he is not named in the FIRs but it was pursuant to his arrest in another false case i.e. FIR No.34 dated 29.01.2019 that the police claimed that petitioner made a confession regarding his involvement in the present case while stating that he had provided a SIM card to the main accused Krishan Dadupur and his friend. Learned counsel for the petitioner has further submitted that 7 other co-accused have already been granted bail and in these circumstances, the petitioner, in any case, deserves the concession of bail on grounds of parity.
4. Learned State counsel assisted by counsel for the complainant has submitted that since the petitioner has confessed his guilt and had been part of the criminal conspiracy having provided SIM card to the main accused, no case for grant of bail is made out. It has, however, been informed that the petitioner has been in custody since the last more than 1 year and that only 1 out of the cited 43 PWs has been examined till date.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since

the last more than 1 year and that petitioner is not named in the FIR and has been named as co-accused on the basis of his alleged confession during investigation in another case and that the conclusion of trial is likely to take time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

[GURVINDER SINGH GILL]
JUDGE

14.01.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No