

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

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Crl. Misc.No.M-54236 of 2019

Date of Decision:- 28.09.2020

Rajwinder Singh

....Petitioner

vs.

State of Haryana

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. R.K. Handa, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in FIR No. 172 dated 13.05.2018 registered at Police Station Naraingarh, District Ambala, under Sections 302, 303, 341, 379-B, 506, 148, 149, 120-B IPC 1860 and Section 25 of the Arms Act, 1959,

Learned counsel for the petitioner submits that the only allegation against the petitioner in the FIR is that he conspired with the other accused to commit the murder. The petitioner was in judicial custody in FIR No. 287 dated 04.10.2013 registered at Police Station Naraingarh under Sections 148, 149, 302 and Section 25 of the Arms Act, 1959 and, thus, he could not have been attributed any overt role. The co-accused with whom the petitioner allegedly entered into a conspiracy have not even been challaned by the police. Vide judgment dated 03.05.2020, the petitioner has been acquitted in aforementioned FIR No.287 dated 04.10.2013. It is, thus, evident that the petitioner is being falsely implicated and he deserves to be granted regular bail.

Learned State counsel opposes the grant of bail. He argues that Pooran Chand son of Lal Singh (complainant of this case) has meanwhile been murdered on 02.07.2019 and, thus, it is evident that the accused of this case are trying to eliminate the witnesses. The petitioner is a habitual criminal being an accused in more than one case under Section 302 IPC and it is not safe to release such a person into society.

From the admitted facts, it is evident that the petitioner was in judicial custody on the date of registration of the present FIR. Thus, his involvement in this case is unlikely. The death of the complainant on 02.07.2019 would not further the case of the prosecution against the petitioner as on the said date also the petitioner was in custody. It is not in dispute that the petitioner has been acquitted in FIR No.287 dated 04.10.2013 and, thus, his involvement in the present case is extremely unlikely. He has been in custody for more than two years now and the trial is not likely to be concluded at an early date as only 14 PWs out of a total of 33 PWs have been examined till date. No useful purpose would, thus, be served by keeping the petitioner in custody indefinitely.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate concerned.

September 28, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No