

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

103+211

**CRM-M-1893-2021 (O&M)
Decided on : 25.03.2021**

Dev Dutt

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Kunal Dawar, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Sandeep.

Mr. Naveen Gupta, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-4264-2021

Annexures R-2/1 to Annexures R-2/4 filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at appropriate in case file.

CRM stands disposed of.

CRM-M-1893-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 317, dated 26.06.2019, under Sections 302, 34 IPC and 25 of the Arms Act, registered at Police Station Sadar Ballabgarh, Faridabad, Haryana.

Learned counsel for the petitioner contends the petitioner has been falsely implicated in the case in hand and that too after 15 days of the

occurrence in question, in which Parveen Kumar (deceased) was murdered by some unknown persons, after being fired at. Learned counsel further submits that it is a case resting on circumstantial evidence and the motive spelt out for the petitioner to commit the crime was a quarrel, which had taken place almost 1 ½ years prior to the alleged crime. Learned counsel also submits that neither was there any witness of last seen and the only evidence appearing against the petitioner was a disclosure statement allegedly made by him leading to the recovery of a country-made pistol along with an empty cartridge.

Learned counsel for the petitioner has invited the attention of this Court to the testimony of PW-1 (complainant – Manoj Kumar), wherein, he stated that he had suspicion and had come to know from the people that the petitioner along with his brother had committed the murder of Parveen Kumar. Learned counsel has submitted that strangely the complainant was completely silent as to who were those persons, who had seen or informed him about the role and involvement of the petitioner in the alleged crime nor were any of those persons cited as a witness by the prosecution in the challan so filed. Learned counsel for the petitioner has also invited the attention of this Court to the cross-examination of the complainant, wherein, he had stated that he was unable to reveal the name of those persons, who had informed him about the involvement of the petitioner in the commission of the crime. He has thus prayed for concession of regular bail to the petitioner, as 08 material witnesses out of the 30 prosecution witnesses cited had been examined so far and thus, there is no likelihood of the petitioner influencing the remaining witnesses in his favour or tampering with any evidence.

Per contra, learned State counsel while opposing the prayer and submissions of learned counsel for the petitioner, on instructions from SI Sandeep, has submitted that the petitioner in connivance with the co-accused had committed the murder of Parveen Kumar by firing from a country-made pistol. She has conceded that name of the persons who allegedly informed the complainant of the involvement of the petitioner in the alleged crime had not been cited as prosecution witness.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 09th July, 2019, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 25, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*