

CRM-M-2622-2021

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

CRM-M-2622-2021

Date of decision:03.12.2021

Yogesh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.522 dated 23.12.2014, registered at Police Station City Narnaul, District Mahendergarh, under Sections 302, 201, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the above-noted FIR was registered on the basis of statement of complainant-Phool Singh wherein he alleged that two persons riding on a motor-cycle had fired gun-shots upon the deceased; that during investigation, it was found that co-accused, Birender and Bhim Singh had fired gun-shots upon the deceased in conspiracy with co-accused Balwan @ Balla and Chajju Ram; that co-accused Birender and Bhim Singh stood convicted and sentenced under Sections 302 read with Section 34 IPC, vide judgment of conviction and order of sentence dated 08.05.2018 and 09.05.2018, respectively,

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passed by the learned Additional Sessions Judge, Narnaul, but acquitted under Section 120-B IPC; that co-accused, Balwan @ Balla and Chajju Ram, who were indicted in the present case with the aid of Section 120-B IPC, stood acquitted, vide judgment dated 08.05.2018 passed by the learned Additional Sessions Judge, Narnaul, and their acquittal has never been challenged at any instance. The petitioner had been in custody in some other case, when he was indicted in the present case on the basis of the disclosure statement, recorded in 2019 of Vikram @ Papla against whom the trial is still pending.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, submits that the petitioner is a habitual offender, and that the petitioner has been indicted on the basis of the disclosure statement of co-accused, Vikram @ Papla from whom recovery of 32 mm pistol and some live cartridges has been effected. As per the status report, there are two other cases pending or registered against the petitioner wherein he stands acquitted in one case whereas is facing the trial in another case.

I have heard the learned counsel for the parties.

The petitioner was in custody in some other case, when he was indicted in the present case on the basis of the disclosure statement recorded in 2019 of Vikram @ Papla against whom the trial is still pending. Though co-accused Balwan @ Balla and Chajju Ram, who were indicted in the present case with the aid of Section 120-B IPC, stood acquitted, vide judgment dated 08.05.2018 passed by the learned Additional Sessions Judge, Narnaul, yet the petitioner has been indicted under Section 120-B

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IPC, on the disclosure statement of the co-accused. Moreover, co-accused Birender and Bhim Singh, who stood convicted and sentenced under Sections 302 and 34 IPC, were also acquitted under Section 120-B IPC.

The petitioner was involved in the present case because of criminal conspiracy on the basis of the confessional statement suffered by him, but the co-accused have been acquitted under Section 120-B IPC.

The petitioner has been in custody since 30.05.2020. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No