

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.214

CRM-M-28786-2021

Date of decision: 30.09.2021

Kuldeep @ I.G.

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.160 dated 10.05.2019, registered under Sections 307, 341, 34 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.

Briefly stated, the case of the prosecution is that the petitioner, who had enmity with the complainant – Amarjeet, supplied a pistol, with three cartridges, to co-accused Shishant @ Shana and Kuldeep @ Kalwa and thereafter played an active role in co-accused Kuldeep @ Kalwa and Shishant @ Shana firing upon the complainant and his friend Ajay, in which attack they were hit, but survived.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity between the petitioner and the complainant; the petitioner is in custody since 04.06.2019; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is that he supplied a weapon and three live cartridges to co-accused Shishant @ Shana and Kuldeep @ Kalwa; the injured – Amarjeet and Ajay had already appeared before the Trial Court and have been declared hostile and that the petitioner's trial in which 18 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has played an active role in attempting to murder Amarjeet and Ajay and that he is involved in three other criminal cases.

The petitioner who is accused of attempting to murder Amarjeet and Ajay is in custody for nearly 02 years and 04 months; both the injured i.e. Amarjeet and Ajay while appearing before the Trial Court have not towed the prosecution line; even as per the State, it is not the petitioner who had actually fired upon the injured and that the petitioner's trial in which 18 prosecution witnesses still remains to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sonapat, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 30, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No