

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

214

CRM-M-31237-2020

Date of Decision:06.01.2021

GULSHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Gulshan** in case F.I.R. No.723 dated 11.10.2018 under Sections 201, 302, 342 and 376-D IPC read with Section 34 IPC, registered at Police Station Gharaunda, District Karnal.

Reply dated 30.12.2020 by way of affidavit of Jagdeep Singh, HPS, Deputy Superintendent of Police, Karnal-II along with Annexures (R-I to R-III) filed on behalf of respondent-State are taken on the record.

Learned counsel for the petitioner *inter alia* contends that

petitioner has no nexus whatsoever with the alleged offence. He further submits that prosecution witnesses examined in the case so far, have not supported the case of the prosecution as they have turned hostile. He further submits that DNA profile report (Annexure R-III) has been received from quarter concerned and it does not match with the DNA profile of petitioner. He further submits that on these very allegations, co-accused namely, Kamal and Pankaj have already been released on bail by this Court, vide orders dated 31.08.2020 and 18.09.2020 passed in CRM-M-24987 of 2020 and CRM-M-27418 of 2020 respectively. He further submits that petitioner is in custody since 19.10.2018 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 19.10.2018 and trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

CRM-M-31237-2020

:3:

In view of above, instant petition for grant of regular bail moved by petitioner- **Gulshan** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Karnal, as the case may be.

(LALIT BATRA)
JUDGE

06.01.2021

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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No