

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

105

CRM-M-40925-2020 (O&M)

Date of Decision: 16.11.2021

Sudeep

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Inder Pal Goyat, Advocate for applicant/petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-27751-2021

This is an application under Section 482 Cr.P.C. for placing on record documents (Annexures P/5 to P/7).

Documents (Annexures P/5 to P/7) are taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Sudeep** for grant of regular bail in case FIR No.17 dated 16.01.2019 under Sections 120-B and 307 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioner was not named in the FIR and name of petitioner surfaced in the array of accused in view of disclosure statement rendered by co-accused Sonu. He further urges that petitioner is languishing in custody since 08.03.2019 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that complainant-injured-Kishan Joshi when appeared in the witness box as PW-10 has resiled from prosecution version. He further urges that another material prosecution witness PW-9 Deepak Yadav has also resiled from prosecution version. He further urges that 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 and have carefully gone through the contents of petition.

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 08.03.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that material

prosecution witnesses namely Kishan Joshi-complainant/injured (PW-10) and Deepak Yadav (PW-9) have already been examined and since 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.

In view of above, instant petition for grant of regular bail moved by petitioner-**Sudeep** 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, Gurugram, as the case may be.

(LALIT BATRA)
JUDGE

16.11.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No