

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

(Through Video Conferencing)

CRM-M-44267-2020

Date of Decision: 21.01.2021

SHIV KUMAR @ SHIBU

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Rajiv Dhawan, Advocate,
 for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Mr. Vijay Kumar Jindal, Senior Advocate,
with Mr. A.K. Jindal, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.592 dated 06.07.2019 registered under Sections 302 and 307 read with Section 34 of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959 at Police Station Karnal City, District Karnal, Haryana.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR in question and rather it is a classic case wherein a false case was foisted upon him by the Police on the basis of a fictitious and fabricated version without there being any incriminating evidence against him. Still further, learned counsel contends that the alleged eyewitness, Sahil, did not support the case of the prosecution and was declared hostile during the trial. It has also been submitted that the petitioner has been in custody

since 07.07.2019 and the trial will take considerable time to conclude as many prosecution witnesses are yet to be examined.

Per contra, learned State counsel as well as learned counsel for the complainant have opposed the prayer and submissions of the counsel for the petitioner and submitted that the petitioner was an active participant in the crime and was riding the motorcycle alongwith the co-accused when the deceased was fired at, by co-accused/Pawan. It has further been contended that no doubt the alleged eyewitness Sahil turned hostile but it was only *qua* the co-accused/Pawan and since some material witnesses were still to be examined before the trial Court, there was every likelihood of the witnesses being influenced by the petitioner to depose in his favour.

Heard.

Prima facie, there are serious allegations against the petitioner *qua* his participation in the crime in question for which he does not deserve the concession of regular bail. Resultantly, the instant petition is dismissed. 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.

January 21, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>