

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

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CRM-M-758-2022 (O&M)

Date of Decision: 19.07.2022

KRISHAN GOPAL@ KITTU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Navjit Singh, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

The petitioner has filed this second petition seeking regular bail in case bearing FIR No.376 dated 31.07.2019, registered under Sections 302, 201 and 120-B IPC, at Police Station Shahabad, District Kurukshetra.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner; that the petitioner has been indicted in the present case only on the basis of some call details and memory card; that co-accused, namely, Ajay Kumar, has already been granted the concession of bail and that Balwinder Singh, who had identified the dead body of Sandeep Kumar, while appearing as PW-4 before the learned trial Court, had not supported the prosecution version and turned hostile. He further submits that the petitioner has been in custody since August, 2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, the co-accused had made a video of the occurrence and in the said video, the petitioner can be very much seen present. He further submits that some of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since August, 2019. PW-4 has not supported the prosecution version and turned hostile. The petitioner has been indicted in the present case on the basis of some call details and the video clip alleged to be captured by the co-accused. Co-accused has already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

19.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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