

CRM-M-8972-2022

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

CRM-M-8972-2022 (O & M)

Date of decision: 19.12.2022

Naresh @ Chand

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.417 dated 27.06.2019, registered at Police Station Sector-7 (wrongly mentioned Sector-8 instead of Sector-7 in FIR), Faridabad, under Sections 302, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

Status report dated 22.09.2022 by way of affidavit of the Assistant Commissioner of Police, Crime, Sector 30, Faridabad, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that the petitioner, who was a servant in the house of co-accused, Roshni, has falsely been implicated in the present case; that the petitioner was not named in the FIR; that allegations against the petitioner are that on the asking of Roshni, he had purchased the weapon from Deepak @ Manjesh and the same had been supplied by co-accused Naveen Kumar, and that the weapon purchased by

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the petitioner was ultimately delivered to co-accused Vikas @ Malya, who had used the same in the offence.

Learned counsel further contends that co-accused, namely, Deepak @ Manjesh, Naveen Kumar and Roshni Devi have since been granted the concession of regular bail by a Coordinate Bench; that the petitioner has been in custody since 28.06.2019, and that out of 71 prosecution witnesses, none has been examined so far.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner in connivance with the co-accused had actively participated in the offence, and that recovery of SX-4 Car (without number) had been effected from the possession of the petitioner. However, custody period of the petitioner has not been disputed. There are as many as two other cases registered or pending against the petitioner.

At this, learned counsel for the petitioner submits that the petitioner has been released on bail in two other cases registered or pending against him.

I have heard the learned counsel for the parties.

The petitioner, who was the servant of co-accused, Roshni, was not named in the FIR. Though there are allegations against the petitioner that he had purchased the weapon on the asking of co-accused, Roshni, which had ultimately been used in committing the murder of Vikas Chaudhary, yet the fact remains that the petitioner has been in custody since 28.06.2019 and co-accused, namely, Deepak @ Manjesh, Naveen Kumar and Roshni Devi have since been granted the concession of regular

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bail. Out of 71 prosecution witnesses, none has been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

19.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No