

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15179-2021 (O&M)

Date of Decision:- 25.2.2022

Krishan Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Nisha Rana, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Dhoom Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.94, dated 19.7.2020, Police Station Panjokhra, District Ambala, under Sections 302, 120-B IPC and Sections 25/29/54/59 of Arms Act.
2. The FIR was lodged at the instance of Ramesh Kumar wherein it is alleged that on 19.7.2020 at about 10.30 am when he was cutting grass in his fields, then at around the same time Deepak son of his 'tau' (uncle) was also present in the adjoining fields and was cutting grass and they had a short conversation. After a shortwhile Deepak moved from his fields while carrying a bundle of grass on his head whereas he continued working in his fields. It is alleged that at about 10.45 am when Deepak reached near the house of Iqbal he saw a young man wearing black clothes in the street and who came near

Deepak and at that time the complainant heard the sound of gunfire and thereafter the said boy fled away from the spot. When the complainant reached at the spot, Deepak was found lying unconscious. Although, he was taken to hospital, but he was declared dead. The complainant alleged that Deepak was having a grudge against Atul and that he strongly believed that Atul along with his friends namely Vikas, Harneep Kumar @ Neepe, Manish, Krishan (petitioner) and Rajesh had hatched a conspiracy with some unknown persons so as to eliminate Deepak.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and that there is no specific allegation that the petitioner had fired at the deceased and that the only allegation is that he along with others had conspired with Atul who was having some issues with deceased-Deepak.
4. On the other hand, learned State counsel has submitted that since the petitioner is specifically named in the FIR and had conspired with the remaining accused, there is no case for grant of bail. Learned counsel further submitted that when co-accused Harneep @ Neepe was arrested, he suffered a disclosure statement to the effect that the accused had hatched a conspiracy to kill Deepak and that they all had collected money to buy a country-made pistol to kill Deepak and in which Krishan had contributed an amount of Rs.4000/- as some others had also contributed. It has been submitted that the aforesaid statement clearly shows the complicity of the petitioner and as such he does not deserve the concession of bail. Learned State counsel

has however, informed that the petitioner as on date has been behind bars since the last 1 year and 7 months and is not involved in any other case. It has also been informed that although charges have been framed but none out of the cited 20 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. The petitioner has been arrayed as an accused with the aid of Section 120-B IPC wherein it is alleged that he had contributed some money for the purchase of a fire-arm which had been used by some other accused for the purpose of murdering Deepak. The said evidence is in the shape of a disclosure statement made by co-accused, the veracity and admissibility of which would be debatable. The petitioner, otherwise has been behind bars for a substantial period of 1 year and 7 months and conclusion of trial is likely to take some time inasmuch as not even a single PW out of the cited 20 PWs has been examined. The petitioner otherwise has a clean record and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No