

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

CRM-M-15962-2022 (O&M)

Date of decision: 18.07.2022

Gourav Khanna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Khari, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 99 dated 10.03.2019 registered under Sections 302, 412, 201, 120-B IPC read with Section 34 IPC and Section 25 of the Arms Act, at Police Station City Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR, but was indicted on the disclosure statement of main accused Naresh @ Sheety; that the allegations against the petitioner are that he met with said Naresh @ Sheety, 38 times in jail and provided him one *sim* and mobile phone in the jail; that no *sim* or mobile phone was provided by the petitioner to Naresh @ Sheety and he only met with him because they both

were friends; that the recovery of mobile phone and *sim* has already been effected from Naresh @ Sheety; that the petitioner has been in custody since 15.04.2019; that co-accused Sachin @ Bihari, who allegedly met 11 times with main accused Naresh @ Sheety in jail, and co-accused, namely, Neeraj, Deepak @ Lota and Sunil @ Banda, have already been granted regular bail by the learned Additional Sessions Judge, Jhajjar, vide separate orders dated 05.02.2020, 26.02.2020, 10.06.2020 and 16.06.2020. As far as other cases are concerned, the petitioner stands acquitted in 07 cases, out of 03 convictions, in 01 case undergone the sentence and in 02 cases is on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has played an active role and has met the main accused Naresh @ Sheety 38 times in jail and supplied one *sim* and mobile phone to him. The petitioner is a habitual offender and is involved in other cases also. However, he does not dispute the custody period of the petitioner. He submits that out of 41 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.04.2019. The petitioner was indicted on the disclosure statement of the main accused Naresh @ Sheety and the recovery of mobile phone and *sim* has already been effected from said co-accused. Moreover, co-accused Sachin @ Bihari, who allegedly met with the main accused 11 times in jail, and three other co-accused have already been enlarged on bail. As far as other cases against the petitioner are concerned, in 07 cases stands acquitted, out of 03 convictions in

02 cases on bail in 01 case already undergone the sentence. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

18.07.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No