

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

**CRM-M-18445-2022 (O&M)
Date of decision: 20.05.2022**

Naresh Kumar @ Naresh Chaudhary

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. K.S. Brar, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 148 dated 25.06.2020 registered under Sections 302, 201, 120-B IPC read with Section 34 IPC, and Section 25 of the Arms Act, at Police Station City-I Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case after one and a half month of the registration of the FIR; that initially, the FIR was registered against unknown persons; that thereafter, Bhagwan Singh-brother of the complainant, nominated four persons i.e. Namandeep Godara @ Pintu, Vijay Laxmi, Karamjit and Vikramjit; that the petitioner was named by said Namandeep Godara @ Pintu in his disclosure statement alleging that the weapon used in the crime was supplied/arranged by the petitioner; that otherwise the petitioner was not present at the spot; that the petitioner has been in custody since 19.08.2020 and that all the material witnesses have already been examined.

Learned State counsel assisted by the learned counsel for the complainant points out that the second bail petition of the petitioner was dismissed on 10.11.2021; that he is the master-mind, who had supplied the weapon used in the crime; that the deceased in the present case is the son of the complainant; and that he does not dispute the custody period of the petitioner. He further submits that out of 36 prosecution witnesses, only six have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.08.2020. The only allegation against the petitioner is that he has supplied the weapon used in the crime. The petitioner was not present at the spot and he was indicted in the present case on the disclosure statement of the co-accused after one and a half month of the registration of the FIR. The prosecution witnesses are yet to be examined. The conclusion of the trial would take a long time. Moreover, there is no other case against the petitioner. 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 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.

(HARNARESH SINGH GILL)
JUDGE

20.05.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No