

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25422 of 2021

Date of Decision:25.2.2022

Karan Chugh

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Partap Singh, Advocate
for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

Mr. Kunal Muthreja, Advocate
for the complainant

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. For grant of bail to the petitioner in case FIR No. 55 dated 17.2.2021 under Sections 302, 120-B and 34 IPC (Section 25 of the Arms Act added later on) registered at Police Station Kotwali, District Faridabad.

Learned counsel for the petitioner while inviting the attention of this Court to the FIR in question, which is annexed as Annexure P-1, inter alia contends that a perusal of the same clearly reveals that neither was he named nor attributed any role in the alleged crime. Learned counsel submits that the petitioner was nominated as an accused only in the disclosure statement of the main accused namely Parkash, who stated therein that the weapon of offence with which the murder of the deceased was committed, had been purchased through the petitioner and that too one and half years prior to the occurrence in question. In support learned

counsel has drawn the attention of this Court to the said disclosure statement annexed as Annexure P-2. Learned counsel further submits that other than this, no other role had been attributed to the petitioner much less of the petitioner having a motive to conspire with the main accused Parkash to commit the murder in question as it was not even the case of the prosecution that at the time of alleged occurrence the petitioner was present at the spot. A prayer has, therefore, been made that since the petitioner has been in custody for almost one year, charges stand framed and only 04 out of the 44 prosecution witnesses cited stand examined, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer of the counsel opposite, on instructions from PSI Sunil Kumar, has not been able to controvert the factual aspects of the submissions made with respect to the role attributed to the petitioner in the alleged crime. Learned State counsel has, however, submitted that the main accused Vikas, who is a cousin brother of the petitioner, had purchased the weapon of offence through him, though, admittedly, it was one and a half years prior to the occurrence in question.

I have heard learned counsel for the parties and perused the material on record.

As conceded by the learned State counsel, the petitioner is not the main accused who fired at the deceased and the role attributed to him is that the weapon of offence was purchased through him. Moreover, it is a case resting on circumstantial evidence and the motive to commit the murder in question, has been attributed to the co-accused Vikas. The trial is unlikely to conclude in the near future as 40 prosecution witnesses remain

to be examined and as already noticed earlier, the petitioner has been in custody since 26.2.2021. As such, this Court deems it fit to extend the concession of bail to the petitioner, who admittedly is not involved in any other case, during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate, However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

25.2.2022

PARAMJIT

Whether speaking/reasoned: Yes

Whether reportable : Yes/No