

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

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CRM-M-22967-2022 (O&M)

Date of Decision: 08.12.2022

VINOD KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Atul Lakhanpal, Senior Advocate and
Mr. Arvindpal Singh Grover, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.34 dated 01.03.2021, registered under Sections 302, 341, 506, 212 and 120-B IPC and Sections 25 and 29 of the Arms Act, at Police Station Bhattu Kalan, District Fatehabad.

Learned Senior counsel for the petitioner submits that the petitioner was not named in the FIR and has been indicted on the basis of the supplementary statement of the complainant, which was recorded on 10.03.2021, after 10 days of the alleged occurrence; that there is an unexplained delay of 9 hours in lodging the present FIR; that the alleged motorcycle recovered in the present case belongs to one Pardeep @ Chabila and the same was taken by one Rakesh @ Kala for committing the offence and that the petitioner has been in custody since 19.03.2021.

He further submits that the allegation against the petitioner is that he

along with co-accused, namely Rakesh @ Kala, Jagdish @ Bablu, Anil @ Monu @ Laden, Vikas @ Bachi, Mukesh Poonia, in the Poultry farm of Mukesh Poonia, have hatched criminal conspiracy to kill Jitender Singh (JBT Teacher) and that as far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases. Still further, it is submitted that the charges are yet to be framed.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that there are serious and specific allegations against the petitioner and he is the key conspirator in the present case and that the petitioner along with Jagdish @ Bablu and Ravi Saharan, have purchased 20 cartridges from co-accused, namely Kanhaiya and thereafter supplied the same to Anil @ Monu @ Laden and Vikas @ Bachi. Thus, he does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The allegation against the petitioner is that he along with the two other co-accused had purchased 20 cartridges from one co-accused and supplied to the others. The petitioner has been in custody since 19.03.2021. Recovery has already been effected in the present case. The petitioner was not named in the FIR and was indicted on the basis of the supplementary statement of the complainant. As far as other cases are concerned, the petitioner is on bail in the said cases. Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude.

Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

08.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No