

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

**CRM-M No.25522 of 2021 (O&M)
Date of Decision : 14.09.2022**

Rohit

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Satish Singla, AAG Haryana.

Mr. Ankit Aggarwal, Advocate for the complainant.

ALKA SARIN, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.432 dated 30.12.2019 under Sections 120-B, 201, 302, 364-A read with Section 34 of the Indian Penal Code, 1860; and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Nissing, District Karnal. The first petition being CRM-M-32579-2020 was dismissed as withdrawn on 11.11.2020.

Learned counsel for the petitioner would contend that it could not be brought to the notice of this Court earlier that similarly situated co-accused, namely, Kamal, has been granted the concession of regular bail by this Court vide order dated 14.10.2020 passed in CRM-M-31988-2020. Learned counsel for the petitioner would further contend that the petitioner has not been named in the FIR and has been implicated only on the basis of disclosure statement of co-accused, namely, Amandeep. It has further been stated that recovery from the petitioner in the present case is of Rs.6000/-.

Learned State counsel has placed on record the custody certificate of the petitioner, which is taken on record. As per the custody certificate, the petitioner has been in custody for a period of 02 years 08 months and 04 days. There are three other cases pending against the petitioner, however, he is stated to be on bail in the said cases. In two other cases, the petitioner has already undergone the sentence awarded to him. Learned State counsel contends that the petitioner has criminal antecedents and that the petitioner was named in the disclosure statement of co-accused namely, Amandeep. It is further the contention that the murder in the present case was committed at the behest of the petitioner herein.

Learned counsel appearing on behalf of the complainant has reiterated the submissions made by the State counsel.

Heard.

In the present case, besides the disclosure statement of the co-accused, nothing has been brought to the notice of this Court either by State counsel or by the counsel for the complainant showing the involvement of the petitioner in the present case. Further, similarly situated co-accused namely, Kamal, who was named in the present case on the basis of disclosure statement of Amandeep, has since been granted the concession of regular bail by this Court vide order dated 14.10.2020 passed in CRM-M-31988-2020. Even on the ground of parity, the petitioner would be entitled to bail. Challan in the present case was presented on 17.03.2020 and only 02 out of total 30 prosecution witnesses have been examined. The conclusion of the Trial is likely to take time.

In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

Pending applications, if any, also stand disposed off.

14.09.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO