

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25758-2022

Date of Decision: 29.8.2022

Sunil alias Sunni

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.537 dated 20.7.2020 registered for the offences punishable under Sections 148, 149, 302, 341, 120-B IPC and Section 25 of Arms Act at Police Station HTM, District Hisar.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in custody for the last more than 2 years and is having no criminal history. He further submits that the petitioner was named as accused on the basis of the disclosure made by co-accused/Suraj and as per the said disclosure, the petitioner supplied firearms which were used by Sunil alias Poli, Gulshan and Balram to commit murder of Mukesh @ Pardhan at the time of occurrence. He further submits that no recovery was effected from the petitioner who was arrested on 10.8.2020 and is presently lodged in judicial custody. He further submits that the trial

is going on at a snail's pace and thus, the petitioner is entitled to the grant of regular bail. He further submits that co-accused Raja and Bhupender @ Nonu have already been granted concession of bail by Coordinate Bench of this Court vide orders dated 3.12.2021 and 7.7.2022 respectively.

Present petition is contested by the State counsel who on instructions from ASI Sandeep Singh has not refuted the fact that the petitioner is in custody for the last more than 2 years and is not involved in any other criminal case and that no weapon or incriminating article was recovered from his possession. She further submits that the police has presented the challan and after framing of charges, now the case is fixed for prosecution evidence and the trial is proceeding further. So, prayer is made that the present petition be dismissed.

I have considered the submissions made by the counsel for the parties.

The petitioner was not named in the FIR and he was later on, arraigned as accused on the basis of the alleged disclosure made by co-accused. The allegations appearing on record against the petitioner are that weapons used by the assailants to commit murder of Mukesh @ Pardhan were supplied to them by the present petitioner who was arrested on 10.8.2020. No weapon or any objectionable article was recovered from the possession of the petitioner who is presently lodged in judicial custody. After completion of investigation, the police has presented the challan and now the trial is going on but it will take time for the trial to conclude. Co-accused Raja and Bhupender @ Nonu who were also not named in the FIR, have already been granted concession of regular bail as has been discussed above.

In light of above, this Court is of the view that no purpose is going to be served by further prolonging the incarceration of the petitioner.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 29, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No