

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

CRM-M-43544-2021

Date of decision: 28.01.2022

GURDEEP

...Petitioner

V/S

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Vivek Goyal, Advocate,  
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.  
(Presence marked through Video Conference)

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**ARUN MONGA, J. (ORAL)**

This is third foray of the petitioner before this Court seeking regular bail in FIR No.321 dated 02.12.2019 registered under Sections 302 read with Section 34 and 120-B of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959 at Police Station Cheeka District Kaithal, the first was dismissed as withdrawn on 03.09.2020 and the second too was dismissed on 23.04.2021 to await the recording of testimony of the material witnesses by the learned trial Court.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He was not even named in the FIR. He has been named only on the disclosure statement of the co-accused. He further submits that now all the material witnesses have already been examined, including the complainant, who is brother of the deceased. None of the examined witnesses, including the own brother of deceased, have supported the case of prosecution. Petitioner has been in custody since 06.12.2019.

3. I have heard the rival contentions of the respective learned counsels.

4. On a Court query, learned State counsel does not controvert that seven witnesses have already been examined, asserted to be the material witnesses as per the

learned counsel for the petitioner. They have not supported the prosecution version and have resiled from their earlier statements made to the police.

5. The contentions of learned counsel for petitioner may have substance but same can only be adjudged at the trial. But the trial is not likely to conclude soon in view of the situation arisen due to pandemic. The investigation is already over and charges have been framed. The case before the trial court is now fixed for prosecution evidence.

6. Out of 30 witnesses, 07 have been examined and it seems that since the examination of material witnesses has already taken place, there is no likelihood of any undue influence to be caused to any of remaining witnesses.

7. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

8. Accordingly, the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

**(ARUN MONGA)**  
**JUDGE**

**January 28, 2022**  
vandana

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |