

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

CRM-M-41036-2022
Date of Decision:-**27.09.2022**

DEEPA @ DEEPAK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.537 dated 20.7.2020 registered under Sections 302, 341, 148, 149, 120-B IPC and Section 25 of Arms Act at Police Station HTM Hisar District Hisar.

The counsel for the petitioner contends that the petitioner was not named in the FIR and was later on falsely implicated in the present case and is now languishing behind the bars for the last more than 2 years and is having no criminal history. The counsel for petitioner further submits that as per the allegations appearing in the FIR the fatal shots which resulted in

death of Mukesh @ Pradhan were fired by Sunil @ Poli, Gulshan @ Goldy and Balram. The counsel for the petitioner further submits that no weapon was recovered from the custody of the petitioner and as per the allegations appearing on the record, the petitioner conducted recce of deceased Mukesh @ Pradhan at the instance of the main accused. The counsel for the petitioner further submits that the similarly situated co-accused namely Bhupinder @ Monu, Sunil @ Sunni and Ravinder @ Razia all of whom were not named in the FIR have been given benefit of regular bail by this Court vide orders Annexures P-15 to P-17.

The instant petition is resisted by the State counsel, who has filed reply by way of an affidavit of Sh. Ashok Kumar, DSP, Head Quarters Hisar and the same is ordered to be taken on record. The State counsel has not refuted the fact that the petitioner was not named in the FIR and that there are allegations against the petitioner that he conducted recce of deceased Mukesh @ Pradhan. The State counsel further submits that there are also allegations that the petitioner and the main accused persons hatched conspiracy to kill Mukesh @ Pradhan. The fact regarding grant of regular bail to Bhupinder @ Monu, Sunil @ Sunni and Ravinder @ Razia has not been disputed by the State counsel.

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

Admittedly the petitioner was not named in the FIR and he was later on nominated as an accused on the basis of alleged disclosure made by co-accused. The allegations appearing on the record against the petitioner are that he conspired with the main accused to commit murder of Mukesh

Pradhan and he also conducted recce of the deceased to facilitate the main assailants to commit the crime. As per the custody certificate furnished by the State counsel the petitioner is in custody for the last more than 2 years and is having no criminal antecedents. No weapon or any objectionable article was recovered from the possession of the petitioner except one mobile phone. After completion of investigation, challan presented and charges are framed and now trial is going on. Admittedly, co-accused Bhupinder @ Monu, Sunil @ Sunni and Ravinder @ Razia who are not named in the FIR are already enlarged on bail vide orders Annexures P-15 to P-17. The complicity of the petitioner being conspirator would be unfolded only during the trial and it will take time for the trial to conclude.

In the light of the above, this Court is of the view that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

27.09.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No