

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45352-2021!
Date of Decision: 14.11.2022

Sandeep alias Daggu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.447 dated 23.9.2018 registered for the offences punishable under Sections 307, 34, 120-B IPC and Sections 25, 27 of Arms Act at Police Station Kundli, District Sonapat.

As per allegations appearing in the FIR, the petitioner, Amit @ Meetu, Shantanu, Parmod and Naveen @ Meenu were nursing grudge against the complainant party and earlier also, they committed murder of Parveen Kumar uncle of the petitioner and Varinder Barber of the village was eye witness in the said murder case. However, Amit @ Meetu and the present petitioner hatched conspiracy and got killed aforesaid Varinder; that at the time of the present occurrence, at about 7:30 p.m. on 22.9.2018, Mohit @ Rohit along with his two companions reached the spot on

motorcycle and then Mohit @ Rohit took out his pistol and raised *lalkara*

that the complainant be taught a lesson for deposing against Amit @ Meetu, petitioner, Parmod and Naveen @ Meenu and for helping the opposite party in another case against Shantanu. Then Mohit @ Rohit fired shot but the complainant was saved and he ran away from there. On this, Mohit @ Rohit and his companions fired two other shots and they also threatened the complainant and then fled away from there.

Counsel for the petitioner submits that only allegations against the petitioner are that he conspired with Mohit @ Rohit to kill the complainant and at that time, the petitioner was lodged in jail and no one sustained injury at the time of the alleged occurrence and the petitioner is in custody for the last about 4 years and the trial is not progressing ahead. So, prayer is made for grant of regular bail to the petitioner.

Present petition is contested by the State counsel who has not disputed the fact that the petitioner is lodged in custody for the last about 4 years and that the present case is a no injury case.

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

In the present case, no one suffered injuries at the time of the alleged occurrence. The petitioner is lodged behind the bars for the last about 4 years but the trial is not progressing as till date, the complainant has not been examined as has been informed by the State counsel. Further, as per prosecution version, the petitioner was lodged in jail at the time of the alleged occurrence. So, only allegation against the petitioner is that he conspired with other co-accused to kill the complainant. The element of conspiracy will be unfolded only during the trial. The trial is going on at very slow pace and it will take considerable time for the trial to conclude.

So, no purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.

In view of the above, 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

November 14, 2022
Paritosh Kumar

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