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

CRM-M-46930-2021

Date of Decision: 10.03.2022

Vicky @ Sultan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Neha Dewan, Advocate,
for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for grant of regular bail in FIR No.244, dated 31.05.2019, under Sections 302, 148, 149 and 341 of the IPC (Section 120-B of the IPC and Sections 25/54/59 of the Arms Act added later on), registered at Police Station Kaithal City, District Kaithal.

Learned counsel for the petitioner argues that in the present case, it is a conceded position that the petitioner was not found at the spot of incident, where the deceased is alleged to have been killed, and there is no weapon or injury attributed to the petitioner, alleged to be inflicted upon the deceased person. Learned counsel further submits that the only role attributed to the petitioner is of hatching a conspiracy and the said role is based upon disclosure statements of the co-accused. Learned counsel also submits that the petitioner is already behind the bars for the last two years and nine months as also the complainant has already been examined, along with this there is no other case pending against the petitioner and he has

clean antecedents, therefore, the petitioner may kindly be extended the

concession of regular bail, especially in view of the fact that the trial is likely to take some time to conclude due to the restrictive working of the Courts in view of Covid-19 pandemic.

Learned State counsel concedes the factum that the petitioner was not present at the spot where the deceased was killed and there is no weapon or injury attributed to him. Learned State counsel further submits keeping in view the disclosure statements of co-accused, the petitioner was part of the conspiracy, which led to murder of the deceased, hence prayer of the petitioner for grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that the petitioner was roped in the present case on the basis of the disclosure statements of the co-accused to the effect that the petitioner was part of conspiracy, which led to murder of the deceased. It is also a conceded position that no weapon or injury inflicted upon the deceased person has been attributed to the petitioner. That being so, the role being attributed to the petitioner is only of hatching the conspiracy to murder, as being alleged, and that too is based upon the disclosure statements of the co-accused, which are yet to be proved during the trial. Once the complainant in the case has already been examined and nothing has been brought to the notice of this Court that the complainant has stated in the testimony with regard to the petitioner being present at the spot of incident, where the deceased was killed or any injury or weapon being attributed to the petitioner, keeping in view the above stated facts and circumstances, especially the fact that the petitioner is not involved in any other case, coupled with the facts that the petitioner is behind the bars for

the last two years and nine months and the trial is likely to take some time to conclude due to the restrictive working of the Courts in view of Covid-19 pandemic, no justifiable purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as there is no apprehension that the petitioner will influence the trial or any witnesses in any manner, since the complainant and the other material witnesses in the case have already been examined. Even otherwise, learned counsel for the petitioner has undertaken before this Court that the petitioner will maintain good conduct and will not influence any witnesses or the trial in any manner, in case he is extended the concession of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

10.03.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : Yes