

218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49564-2021

Decided on: 10th February, 2022

Kuldeep

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kamal Sharma, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Sunil Bhardwaj, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed, being aggrieved of the order dated 14th October, 2020, rejecting the prayer for grant of regular bail to the petitioner, before this Court and seeks regular bail in FIR No. 207, dated 23rd September, 2019, under Sections 302, 148, 149, 120-B of Indian Penal Code, 1860 and Sections 25 of Arms Act, 1959, registered at Police Station Julana, District Jind.
3. It is forthcoming that there are two accused by the name of Kuldeep.
4. Learned counsel for the petitioner submits that the allegations against the petitioner is that he conspired with the co-accused to commit murder of Mohit. He was not present at the time of incident. It was Kuldeep @ Bangru who as per the FIR was armed with firearm. The contention is that in para 8 of the impugned order the prayer for bail was rejected

considering that petitioner was armed with deadly weapon.

5. Learned counsel for the State submits that there are two accused by the name of Kuldeep in the FIR but their roles are different.

6. Without commenting upon the merits of the case, considering that due two accused having same name there was a confusion while deciding the bail petition by the Sessions Court. The impugned order is set aside. The matter is remanded back to the Sessions Court to decide the same afresh on merits.

7. Disposed of.

[AVNEESH JHINGAN]
JUDGE

10th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No