

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

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CRM-M-52921-2021 (O&M)

Date of Decision: 19.05.2022

SURESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Bharat Julka, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Sushil Sheoran, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this fourth petition, the petitioner seeks regular bail in case bearing FIR No.129 dated 18.05.2017, registered at Police Station Civil Lines, Bhiwani, District Bhiwani, under Sections 147, 149, 120-B and 302 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 18.05.2017, and that vide order dated 21.03.2018 passed by the Coordinate Bench, co-accused, namely, Sumit, stands enlarged on bail. He further submits that no injury has been attributed to the petitioner and that the petitioner was not present at the spot.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for the complainant, does not dispute the custody period of the petitioner.

He, however, submits that the petitioner had supplied one gun along with 11 cartridges and .32 revolver to Ankit and Vinod, respectively and that one country made pistol .315 bore was recovered from the possession of the petitioner. He further submits that co-accused, namely, Ankit and Vinod have committed the murder of Sher Singh (brother-in-law of the complainant), when he was attending the Court proceedings. Still further, it is submitted that out of 35 prosecution witnesses, 10 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.05.2017. The allegation against the petitioner is that he had handed over the weapons to the co-accused. Co-accused has already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

19.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*