

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

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CRM-M-58432-2022 (O&M)

Date of Decision: 20.12.2022

ANIL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amitabh Tewari, Advocate and
Mr. Shivam Sharma, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

Mr. Ankit Kamboj, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 01.07.2020, registered at Police Station Chhapper, District Yamuna Nagar, under Sections 302, 201, 120-B and 34 IPC and Sections 25 and 29 of the Arms Act.

Learned counsel for the petitioner submits initially the FIR was registered against the unknown persons; that in his first supplementary statement recorded on 01.07.2020, Amarjit has neither named the petitioner nor raised any allegation against him; that the petitioner has falsely been implicated in the present case and that too on the basis of the second supplementary statement of Amarjit, which was recorded on 13.07.2020 and that Kuldeep Kaur (wife of the deceased) in

her statement, has stated that her husband was either murdered by the petitioner and his brother or they have got him killed through somebody else. He further submits that the petitioner has been in custody since 16.07.2020 and that co-accused, namely, Abhishek Pal @ Anshu Pal, Manga Singh and Ranbir Singh @ Rana, have already been granted the concession of bail either by the Hon'ble Apex Court or by this Court. Still further, it is submitted that 19 prosecution witnesses are yet to be examined and that there is no other case registered and/or pending against the petitioner.

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

Learned counsel for the complainant submits that the petitioner has actively participated in the occurrence, inasmuch as, he along with his brother, has given a fire arm injury on the person of the deceased and that one country made pistol, mobile phone and registration certificate of the motorcycle were recovered from the petitioner. He further submits that Kuldeep Kaur, in her statement has specifically stated that the petitioner was having an old enmity with her husband and due to that he had either murdered him or got him killed by somebody else.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.07.2020. The petitioner was not named by Amarjit Singh in his first supplementary

statement recorded on 01.07.2020. Even Kuldeep Kaur (wife of the deceased) in her statement, has stated that her husband was either murdered by the petitioner and his brother or they have got him killed through somebody else. Co-accused, namely, Abhishek Pal @ Anshu Pal, Manga Singh and Ranbir Singh @ Rana, have already been enlarged on bail. Recovery has already been effected from the petitioner. 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 either side, 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.

20.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>