

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M No.58401 of 2022

Date of Decision : 21.12.2022

Sunder

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rishav Jain, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

ALKA SARIN, J. (Oral)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.418 dated 20.11.2019 under Sections 302, 120-B, 34 and 212 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Faridabad NIT, District Faridabad. The earlier two petitions being CRM-M-14425 of 2020 and CRM-M-43291 of 2020 were dismissed as withdrawn vide orders dated 18.08.2020 and 06.01.2021, respectively.

Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 03 years and 23 days. It is further the contention that the FIR in the present case was registered against unknown persons. It was stated in the FIR that a pillion rider, whose face was covered, fired a shot at Subhash and as a result of the said injury Subhash is stated to have died. Subsequently, on the statement of son of deceased - Subhash - accused, namely, Kanchan Kumari @ Khewita and Jaidev @ Kukki, were nominated in the case and they were arrested on 23.11.2019. Thereafter, on the disclosure statement of Kanchan Kumari @ Khewita, accused, namely, Kuldeep and Amit, were arrested and thereafter, on the disclosure statement of accused, Kuldeep, the present petitioner was nominated in the case. It is further contended that challan in the present case stood presented on 03.02.2020 and charges against the petitioner have been framed only under Section 212 read with Sections 120-B and 34 IPC on 15.12.2020. He would further contend that out of total 45 witnesses only 03 witnesses have been examined till date.

Learned State counsel on instructions from SI Satyawar is not in a position to dispute the facts as stated by learned counsel for the petitioner.

Without expressing any opinion on the merits of the case and keeping in view the fact that charges against the petitioner have been framed only under Section 212 read with Section 120-B and Section 34 IPC; and the fact that the petitioner has been in custody for a period of 03 years and 23 days and further that out of 45 witnesses only 03 witnesses stand examined and also the fact that conclusion of the trial is likely to take some time, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. Pending applications, if any, also stand disposed off.

21.12.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO