

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-4023-2023 (O&M)
Date of decision: 21.09.2023

Akhtar Hussain @ Pinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Deepender Singh, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.32 dated 22.01.2021, registered under Section 302 IPC, Section 25 of the Arms Act and later on added Sections 201, 120-B, 34 IPC, at Police Station Palla, District Faridabad. The first bail petition was dismissed as withdrawn on 23.08.2021.
2. Fresh status report by way of affidavit dated 18.09.2023 of the Assistant Commissioner of Police, Sarai, District Faridabad, along with Annexures submitted by the learned State counsel in the Court, is taken on record.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not present at the spot and he has been indicted in the present case just because of alleged

conspiracy, rather the petitioner has nothing to do with the present case; that the petitioner has been in custody since 11.02.2021; that out of 30 prosecution witnesses, only 05 have been examined so far; that ever as per the prosecution, co-accused Bhima @ Mukesh and Monu Kumar @ Mohit, have fired shots and murdered Aijaz Khan; that earlier complainant-Kaksha Parveen, wife of the deceased, has now been arrayed as an accused and that present complainant-Chiranji Lal (PW-1), while deposing before the learned trial Court on 16.03.2022, has not supported the prosecution version.

4. Learned counsel for the petitioner further submits that he has gone through the entire paper-book and the challan, there is not a single word qua the illicit relation of the petitioner with the wife of the deceased. There is no other registered or pending case against the petitioner.

5. Learned State counsel submits that while opposing the bail, submits that the petitioner has actively participated in the crime, as several calls were made to co-accused Bhima @ Mukesh by the petitioner/accused to commit murder of his uncle Aijaz Khan and as per their negotiations, Rs. 5 lakh was to be paid to co-accused Bhima @ Mukesh. The petitioner had transferred an amount of Rs. 10,000/- on 25.01.2021 and Rs. 10,000/- on 27.01.2021 to the bank account of co-accused Bhima @ Mukesh from his PhonePe account. However, she does not dispute the custody period of the petitioner. She submits that material prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.

7. The petitioner has been in custody since 11.02.2021. As per the learned counsel for the petitioner, there is no allegation of illicit relations between the petitioner and wife of the deceased. Present complainant-Chiranji Lal (PW-1), while deposing before the learned trial Court on 16.03.2022, has not supported the prosecution version. Some of the prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other registered or pending case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.
8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No