

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

210

2023:PHHC:115043

CRM-M-4349-2023

Date of decision: September 1st, 2023

Lalit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amitabh Tewari, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking concession of regular bail in case FIR No.227 dated 26.06.2020 under Sections 34 and 302 IPC and Section 25 of Arms Act, 1959 registered at Police Station City Sohna Gurugram.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was neither named in the FIR in question nor any role attributed to him much less of having any motive to eliminate deceased Virender, who was allegedly gunned down by two unknown assailants inside his house. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Amit Daggar and Dharmender, who stated that the petitioner had done a recce of the place of occurrence, and when the two assailants were carrying out the crime in question, he waited for them in the car which had been provided to him by co-accused Amit Daggar. Learned counsel further submits that the alleged motive to commit the crime had been attributed to co-accused

Narender, who was alleged to be the mastermind, and he had since been extended the concession of bail vide order dated 23.02.2022 (Annexure P-9) by the trial Court. It has further been submitted that not only co-accused Amit Daggar but even the assailants, who allegedly murdered deceased Virender had since been enlarged on bail by this Court vide order dated 17.11.2021 (Annexure P-10). Learned counsel has vehemently argued that the disclosure statement on the basis of which he has been nominated as an accused does not even have any evidentiary value. Learned counsel submits that the petitioner has clean antecedents, and after he was arrested on 11.07.2020, none of the 42 prosecution witnesses had been examined till date, hence, there was no likelihood of the trial concluding in the near future.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the factual aspect of the role attributed to the petitioner in the crime in question. She has also not disputed that no other criminal case stands registered against the petitioner as on date. She submits that even though no specific injury much less fatal, had been attributed to the petitioner, but he was evidently an active participant in the crime in question as he waited for the assailants, in the car of co-accused Amit Daggar, and facilitated their escape from the place of occurrence. Learned State counsel, on instructions, however has not disputed that not only co-accused Amit Daggar and the alleged mastermind of the crime Narender but even the two assailants, who gunned down the deceased, had since been enlarged on bail.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner, who was arrayed as an accused on the basis of an alleged disclosure statement of co-accused, has admittedly not been attributed any injury on the person of the deceased, much less fatal. As many as 42 prosecution witnesses have been cited by the prosecution, however, the prosecution evidence is yet to commence. There is thus, no likelihood of the trial concluding in the near future.

6. In the facts and circumstances as enumerated hereinabove, in addition to the long custody period of the petitioner, who has been behind bars since 11.07.2020, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is, therefore, allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

September 1st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No