

CRM-M-7231-2023

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

CRM-M-7231-2023

Date of decision: 25.07.2023

Nitin @ Nikki

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manish Soni, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case bearing FIR No.562 dated 01.08.2018, registered at Police Station Gurugram Sadar, District Gurugram, under Sections 302 and 120-B IPC and Section 25 of the Arms Act, 1959.

2. Learned counsel for the petitioner contends that as per the prosecution version, complainant's husband was shot dead by some unknown persons; that however in her supplementary statement recorded on 02.10.2018, the complainant, who is sister-in-law of co-accused namely Subhash (father of the petitioner), had named the petitioner and his other family members. It is further submitted that there are allegations against the petitioner that he alongwith his brother and parents had hired Udham Singh and Moninder to commit the murder of Ram Karan.

3. Learned counsel further contends that the alleged occurrence

CRM-M-7231-2023

took place on 31.07.2018 and that at that time, the petitioner was in custody in some other case, but released on bail on 04.08.2018; that after five days of his release in some other case, the petitioner was indicted in the present case, and that no recovery had been effected from the petitioner. It is further submitted that the petitioner has been in custody since 16.08.2018, and that for the last nine months, no prosecution witness has been examined. It is further submitted that co-accused Subhash, father of the petitioner, has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 12.12.2022 (Annexure P-7). So far as eight other cases registered or pending against the petitioner, are concerned, he has been bailed out in six cases.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the husband of the complainant was shot dead while he was driving a Scooty. It is further contended that owing to land dispute between the families of the petitioner and the complainant, the petitioner and his parents had got murdered Ram Karan. It is further submitted that the petitioner is a habitual offender and that trial is at the fag end.

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

6. At the time of alleged occurrence, the petitioner was in custody in some other case, but released on bail on 04.08.2018 and after five days of his release in some other case, the petitioner was indicted in the present case on the supplementary statement of the complainant. No recovery had been effected from him.

7. The petitioner has been in custody since 16.08.2018 i.e. for the

CRM-M-7231-2023

last more than 04 years and 11 months. For the last nine months, no prosecution witness has been examined. Trial is unlikely to conclude any time soon. As stated above, co-accused Subhash, father of the petitioner, has since been granted the concession of regular bail. Out of eight other cases registered or pending against the petitioner, he has been released on bail in six cases.

8. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

25.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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