

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214-CRM-M-8121-2023

Date of Decision: 21.03.2023

Deepak @ Deepu

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. JP Jangu, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.360 dated 03.09.2021 under Sections 302/34/120-B/201 IPC, Sections 25(1-B)A, 27(1) & 29-B of Arms Act, registered at Police Station Sector 5, Gurugram.

Learned counsel for the petitioner vehemently contended that the complainant was in fact, not present at the time of alleged occurrence and it seems that the investigating agency and the complainant have concocted the story of murder of deceased Annu by raising suspicion upon one Shubham Bhardwaj and, only when the investigating agency realized that there is no person by the name of Shubham Bhardwaj, supplementary statement of complainant was recorded and a new name, Shivam s/o Vinod Kumar was introduced. Even otherwise, the role attributed is that the petitioner provided the cartridges/weapon to Deepak Lamba. He seeks parity with co-accused who has already been granted the concession of regular bail in **CRM-M-22089-2022 (Neeraj @ Baba vs. State of Haryana)** decided on 24.01.2023.

Notice of motion.

On the asking of the Court, Mr. Gagandeep S. Chhina, AAG Haryana accepts notice and has filed custody certificate dated 20.02.2023,

which is taken on record. According to which, the petitioner has already faced incarceration of 1 year 5 months 6 days. However, learned State counsel submits that the petitioner is a habitual offender and is already facing 6 other cases out of which in two cases, he has earned acquittal and in other 4 cases, the petitioner is on bail.

Be that as it may, in the instant case, the role attributed to the petitioner admittedly, is only with regard to supply of weapon and cartridge and as very fairly stated by learned State counsel, the petitioner has not been attributed any gun-shot injury.

In view of the above discussion and the fact that the co-accused stands released on regular bail by this Court vide order dated 24.01.2023, and also taking into consideration the fact that the trial is likely to take some time, and therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

21.03.2023
V.Vishal
1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge
Yes/No
Yes/No