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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11255-2023

Date of decision : 24.5.2023

Umesh Kumar alias Ume

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vinay Kumar Arya, Advocate for
Mr. Vikram Rathore, Advocate
for the petitioner.

Mr. Rohit Arya, DAG Haryana.

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HARNARESH SINGH GILL, J.

CRM-14563-2023

This is application under Section 482 Cr.P.C. for placing on record the copy of orders dated 5.4.2022, 31.5.2022 and 14.12.2022 as Annexures P-6 to P-8.

With no objection from the learned State counsel, the application is allowed. Annexures P-6 to P-8 are taken on record.

Main case

Through this fourth petition, the petitioner seeks regular bail in case bearing FIR No. 143 dated 30.7.2021, registered at Police Station Sohna, Gurugram, District Gurugram, under Sections 120 B and 307 IPC and under Section 25 of Arms Act, 1959. The earlier three bail applications were dismissed as withdrawn.

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Learned counsel for the petitioner submits that the petitioner is neither named in the FIR nor was he present at the spot and that he has been indicted on the disclosure statement of co-accused Pramod. As per disclosure statement of co-accused Pramod, he bought the weapon used in the crime from the petitioner, however, there is no evidence to connect the petitioner with the crime and that out of 20 prosecution witnesses, 9 prosecution witnesses have been examined and the petitioner has been in custody since 9.10.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel states that this factum regarding alleged incident was earlier considered by this Court but the bail application of the petitioner was withdrawn three times by the counsel. The petitioner had actively participated in the crime by selling the weapon to co-accused Pramod, however, he does not dispute the custody period of the petitioner and that the petitioner has been convicted in one case. He further submits that material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner was neither present on the spot nor named in FIR. The petitioner was indicted on the disclosure statement of co-accused Pramod. The petitioner has been in custody since 9.10.2021. 11 prosecution witnesses are yet to be examined. As far as other cases are concerned, petitioner is on bail in those cases and convicted in one case. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping

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the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(HARNARESH SINGH GILL)
JUDGE

24.5.2023
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No