

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM No. M-32735-2023(O&M)

Date of Decision : 14.07.2023

Vikram

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-27802-2023

Application is allowed, as prayed for.

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The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 993 dated 22.10.2022, registered under Sections 307, 326, 34 IPC and Section 25 of Arms Act (Section 120-B and 302 IPC added later on) at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner argues that in the present case, the only role, which has been attributed to the petitioner is of harbouring the co-accused, who carried out the incident in question. Learned counsel for the petitioner contends that in the present case, Section 34 IPC will not come in operation even if disclosure statement of the co-accused, on the basis of which the petitioner has been roped in, is accepted

on its face value for the reason that as per disclosure statement, only the information was given to the petitioner qua the intention of the other co-accused and there is nothing that the said intention was ever formed in connivance with the present petitioner.

Learned counsel for the petitioner submits that the investigation is already over and the challan has already been presented and the trial is likely to take some time, hence, keeping in view the fact that the petitioner has been roped in only on the basis of disclosure statement of another co-accused coupled with the fact that the role assigned to the petitioner is not at all connected with the incident in question, the petitioner be granted the concession of regular bail and in case, the petitioner is granted the said concession, he will not interfere with the trial or influence the witnesses in any manner.

Notice of motion.

Mr. Surender Singh, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel, on the other hand, submits that the present is a case relating to Section 302 IPC. Learned State counsel submits that though, it is a conceded fact that the petitioner was roped in on the basis of the disclosure statement of co-accused, who carried out the actual incident but as the petitioner had given them shelter a day prior to the incident, the petitioner is also guilty keeping in view Section 34 IPC and Section 120-B IPC.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, where the petitioner has only been roped in on the basis of the disclosure statement of other co-accused and the allegation even as per the disclosure statement is of giving shelter to co-accused prior to the date of incident and the said disclosure statement is yet to be proved as to whether, the same constitute the conspiracy, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail.

It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 14, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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