

CRM-M-34743-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34743-2023

Date of decision: 26.07.2023

Surender @ Bhundu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. N.K.Banka, Advocate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case FIR No.22 dated 02.02.2019, registered at Police Station Salhawas, District Jhajjar, under Sections 302, 201, 120-B IPC and Section 25 of the Arms Act, 1959.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the above-noted FIR was got registered by a pump-operator, who had seen the mutilated dead body of a male at the time of cleaning Burji No.4 of canal. It is further submitted that the petitioner was indicted in the present case on the disclosure statement of co-accused, namely, Sahil @ Hunter, who has also been released on regular bail. It is further submitted that the petitioner has been in custody since 11.04.2019 i.e. for the last more than 04 years and 03 months; that out of 38 prosecution witnesses, only 03 witnesses have been

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examined so far, and that as many as total 05 accused have since been granted the concession of bail.

3. Learned counsel for the petitioner further contends that as per the prosecution version, after having fired a gun-shot at the deceased, Amit handed over fire-arm weapon to the petitioner and that the petitioner had also allegedly fired a gun-shot at the deceased. However in the present case, no recovery was effected from the petitioner as he was brought on the production warrant. So far another case pending against the petitioner i.e. FIR No.61 dated 18.02.2019, P.S. Jhajjar, is concerned, he has been granted the benefit of bail therein.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner in connivance with the co-accused murdered Deepak and had thrown his body in the canal, which had been found after some days. It is further submitted that fire-arm weapon used by the petitioner in the present case, was recovered in FIR No.61 dated 18.02.2019, registered at Police Station Jhajjar, under Sections 399 and 402 IPC and Section 25 of the Arms Act, 1959. It is further submitted that the petitioner is a habitual offender and that the prosecution witnesses are yet to be examined. However, she does not dispute the fact that as many as 05 co-accused have since been granted the concession of bail.

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

6. The petitioner has been indicted in the present case on the disclosure statement of co-accused, namely, Sahil @ Hunter, who has already been bailed out. The petitioner has been in custody since

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11.04.2019. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, as many as 05 co-accused have been granted the concession of bail. So far another case pending against the petitioner i.e. FIR No.61 dated 18.02.2019, P.S. Jhajjar, is concerned, he has been granted the benefit of bail therein. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, 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.

26.07.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No