

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

Sr. No. 255(1)

CRM-M No. 39422 of 2022

Date of decision : 20.02.2023

Gurmeet @ Roda

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. H.P.S. Ishar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 83 dated 28.06.2018 registered under Section 120-B, 148, 149, 302, 307, 323 and 427 IPC and Section 25 of the Arms Act (Section 506, 201 IPC, Section 30-54-59 of Arms Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, added later on) at Police Station Kalka, District Panchkula.

The petitioner along with his co-accused is being prosecuted for the murder of Vikram.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 14.05.2019; all the material witnesses of the prosecution have been examined; the complainant, injured and the alleged eye witness while appearing as witnesses of the prosecution have not supported the case of the

prosecution; as per the forensic report even the firearm allegedly recovered from the petitioner does not match with any of the bullets recovered from the deceased's body and that since 53 witnesses of the prosecution still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused attacked the deceased and pumped in him several bullets causing his death as also for the reason that at an earlier point of time in another case the petitioner has been declared a proclaimed offender.

The effect of the bullets recovered from the deceased's body not matching with the weapon allegedly recovered from the petitioner shall be debated during the course of the petitioner's trial. However, the petitioner has already been in custody for over 03 years and 09 months; all the material witnesses of the prosecution have been examined; all the material witnesses including the injured have not supported the case of the prosecution and that since 53 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Panchkula, the petitioner is directed to be released on bail.

It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the

phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

20.02.2023.*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No