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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43172-2023(O&M)

Date of Decision: 05.09.2023

Vicky @ Pappal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.K. Hooda, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.324 dated 29.08.2020, under Sections 148, 149, 302, 506, 120-B IPC and Section 25/54/59 of Arms Act (Section 27 Arms Act added later on), registered at Police Station Sadar Gohana, District Sonapat.

2. Learned counsel for the petitioner has submitted that this is a third successive bail petition filed by the petitioner and earlier two petitions were dismissed as withdrawn and now there is change in circumstance to the extent that the custody of the petitioner is more than 2 years and 8 months and the complainant has now been examined. He submitted that it is a case where the main allegations were against the two co-accused namely, Rohit and Bani which is so substantiated in the FIR that the aforesaid co-accused had killed the deceased by firearm. He submitted that so far as the role of the present petitioner is concerned, as per the prosecution even in the investigation it

was found that the petitioner was only a conspirator. He submitted that the name of the petitioner has been nominated after a period of six days. He further submitted that now 4 witnesses out of 49 have been examined and the petitioner is not involved in any other case except for one case under Section 323 IPC and the petitioner was not even present on the spot when the aforesaid offence was committed. He submitted that considering the long custody of the petitioner and the fact that the complainant stands examined, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not involved in any other case except one case under Section 323 IPC. She submitted that the complainant has been examined and even otherwise also during investigation it was found that the petitioner was an active participant in the conspiracy and had also done reiki.

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

5. As per the prosecution, the role of the petitioner was that he was co-conspirator and had indulged in reiki and resultantly the deceased was killed by the other two co-accused namely, Rohit and Bani as per the FIR. Be that as it may, the petitioner is stated to be in custody for 2 years and 8 months and four witnesses including the complainant have already been examined. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner

shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.09.2023

(JASGURPREET SINGH PURI)
JUDGE

rakesh

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