

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-43815-2023

Date of decision: 11.09.2023

Komin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.301 dated 18.10.2022 under Sections 307, 34, 120-B of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Chhaper, District Yamuna Nagar.

2. Learned counsel for the petitioner inter alia contends that it is a case of no injury and a perusal of the FIR which has been annexed as Annexure P-1 reveals that the petitioner was not even named therein. It has been submitted that subsequently the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused wherein it was stated that the petitioner had done a recce of the place of occurrence just prior to the crime in question. It has been further submitted that the false implication of the petitioner in the case in hand finds credence from the fact that all the material witnesses including the complainant while stepping into the witness box had not supported the case of the

prosecution as a result of which they were declared hostile. In support, learned counsel has drawn the attention of this Court to Annexure P-3 which is the deposition of the complainant and other material witnesses. It has also been submitted that identically placed co-accused Gurpreet @ Gogi has since been extended the concession of bail by this Court vide order dated 25.08.2023 passed in CRM-M-40856-2023 (Annexure P-2). Learned counsel submits that in the facts and circumstances, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Sumit Kamboj, has not been able to dispute the factual aspect of the submissions made by the counsel for the petitioner qua the role attributed to the petitioner in the crime in question. He has also not disputed that it is a case of no injury coupled with the fact that all the material witnesses including the complainant had been declared hostile during trial.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 29.10.2022 and 03 prosecution witnesses including the complainant, out of the 18 cited, stand examined. The trial would take considerable time to conclude. Thus, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.09.2023
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(MANJARI NEHRU KAUL)
JUDGE

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