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

CRM-M-43745-2023

Date of Decision: 12.09.2023

Kismat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Gupta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.82 dated 11.02.2019, under Section 346 IPC (Sections 302, 201, 120-B & 34 IPC added later on), registered at Police Station Model Town, District Rewari.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 16.03.2023 and qua him challan has been presented and one witness has also been examined. He further submitted that in the present case, the petitioner was nominated on the basis of the disclosure statement made by the co-accused, namely, Sunil, who has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court on 02.04.2022 vide Annexure P-4. He also submitted that similarly the other co-accused,

namely, Naveen Sharma @ Golu has also been extended the benefit of regular bail by way of same order and furthermore one more co-accused, namely, Manisha has also been extended the benefit of regular bail by this Court on 29.09.2022 vide Annexure P-5. He further submitted that the investigation of the case has already been completed and the co-accused on whose disclosure statement the petitioner was nominated, has already been granted the regular bail by a Co-ordinate Bench of this Court and rather the petitioner is at better footing as compared to the aforesaid two co-accused, namely, Sunil and Naveen Sharma @ Golu. He also submitted that the petitioner is having clean antecedents and is not involved in any other case. He submitted that considering the aforesaid facts and circumstances of the case and also considering the fact that the trial of the case may take long time, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned Assistant Advocate General, Haryana, stated that it is correct that the petitioner is in custody since 16.03.2023 and qua him challan has already been presented before the competent Court and now the trial is going on. She further submitted that it is also correct that the petitioner is not involved in any other case and the aforesaid co-accused, namely, Sunil, Naveen Sharma @ Golu and Manisha have already been extended the benefit of regular bail vide Annexures P-4 & P-5, respectively.

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

5. The petitioner is stated to be in custody since 16.03.2023 and he is not involved in any other case and has clean antecedents. The investigation qua the petitioner has already been completed and trial is going

on. As per the learned counsels for the parties, the name of the petitioner has surfaced on the basis of the disclosure statement of the co-accused, namely, Sunil, who has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-4. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the totality of the facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

12.09.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |