

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-142-2022 (O&M)

Date of Decision: 9.1.2023

Tarun alias Tannu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.77 dated 31.5.2021 registered for the offences punishable under Sections 302, 307, 120-B, 34 IPC and Sections 25, 54, 59 of Arms Act at Police Station Sadar Rewari, District Rewari.

Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case and is behind the bars for the last more than 1 year and 5 months. He further submits that the petitioner was not named in the FIR and was named as accused on the basis of the alleged disclosure made by co-accused Parveen @ Kancha, as per which, the petitioner was not present at the time of the occurrence relating to murder of Satish and no fatal injury has been attributed to the petitioner and no incriminating article was recovered from the petitioner by the police during the investigation of this case. He further submits that the trial is not

progressing ahead as material witness Narinder Singh, Hardeep Singh and Inder Singh failed to appear despite being summoned through non-bailable warrants.

Counsel for the petitioner further submits that thus, no purpose is going to be served by keeping the petitioner in custody for any longer period. So, prayer is made that the petitioner be granted regular bail.

Present petition is resisted by the State counsel who has submitted that the petitioner conspired with main accused Parveen @ Kancha who committed the murder of Satish. State counsel further submits that the trial is going on and at this stage, no ground is made out to grant bail to the petitioner.

I have considered the submissions made by the counsel for the parties.

As per the allegations recorded in the FIR, Parveen @ Kancha shot dead Satish with whom he was having previous enmity. It appears that during his interrogation, said Parveen @ Kancha made disclosure statement wherein he narrated about the involvement of the petitioner and copy of the said disclosure statement is Annexure P-3. From the perusal of the same, it appears that no fatal injury is attributed to the present petitioner who was not accompanying Parveen @ Kancha at the time of the occurrence. As has been submitted by the counsel for the petitioner, no weapon or any other incriminating article was recovered from the possession of the petitioner who is in custody for the last more than 1 year and 5 months. From the perusal of the status report submitted by the trial Court dated 28.10.2022, it appears that PWs Narinder Singh, Hardeep Singh and Inder Singh did not turn up despite their due serve and now they are summoned through

warrants of arrest. It means that the trial is not progressing ahead.

In view of above, as there are no specific and direct allegations against the petitioner with regard to his involvement in the murder of Satish and further allegations, if any, of conspiracy will be unfolded during trial, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 9, 2023
Paritosh Kumar

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