

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

205+101

CRM-M-56028-2022 (O&M)

Date of decision: 28.03.2023

Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manvinder Sidhu, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 56 dated 09.11.2019, registered under Sections 302, 307, 452, 120-B, 148, 149, 34 IPC and Sections 25, 29 of the Arms Act, at Police Station Bahu Akbarpur, District Rohtak. The earlier petition was dismissed as withdrawn on 20.07.2022.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was indicted in the present case, on the basis of disclosure statement of the co-accused; that the co-accused, on whose disclosure statement the petitioner was indicted in the present case, has not attributed any injury to the petitioner on the person of deceased Amit; that the petitioner has been in custody since 27.11.2019; that in subsequent FIR No.605 dated 22.12.2020 registered under Sections 379-B, 392, 34 IPC and Sections 25, 27 of the Arms Act, at Police Station Kharkhoda, Sonapat, complainant-Sukhpal Singh, has not identified the petitioner and other co-accused, while stepping up into the witness box on 21.07.2022 and that out of 36 prosecution witnesses, only 02 have been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime. The recovery of one country-made pistol, one empty and one live cartridges has been effected from the petitioner. Moreover, as per the FSL report, five missed empty cartridges have been matched with the weapon. As the earlier interim bail granted to the petitioner has been misused by him, he does not deserves the concession of bail. However, she does not dispute the custody period of the petitioner. She submits that out of 36 prosecution witnesses, 02 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.11.2019. The petitioner was indicted on the basis of disclosure statement of the co-accused. No injury has been attributed to the petitioner on the person of Amit (since deceased). As far as other cases are concerned, the petitioner is on bail. Remaining 34 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

28.03.2023
Mangal Singh

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