

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58279-2022
Date of Decision:-22.05.2023

NAVEEN KUMAR @ MATOLA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Manish Soni, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.308 dated 23.11.2016 registered under Sections 148, 149, 302, 365, 506 IPC and Section 25 of Arms Act, (Sections 341, 342, 379-B, 120-B IPC added later on) at Police Station Farrukh Nagar, District Gurugram.
2. Allegations in nut-shell are that Pushkar and his companions forcibly took complainant Satinder and Vikas son of Naresh in a vehicle and they gave beatings to Vikas and also snatched cash and mobile of Vikas and then they took them towards field and one of the accused kept on pointing revolver towards the petitioner while other accused

gave beatings to Vikas and one of the accused was having iron rod while other accused were having leather belts with which they beat Vikas and Pushkar gave iron rod blow on head of Vikas while another co-accused fired two shots with his revolver hitting Vikas in his forehead and then they left the spot and injured Vikas was taken to hospital where he was declared dead. The petitioner was not named in the FIR, which was registered against Pushkar, Deepak and Shanti.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case on the basis of disclosure statement made by co-accused Pushkar and the same is subject matter of trial. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 3 years and 5 months and during trial material witness namely complainant Satinder failed to identify the petitioner and further stated that the petitioner was not involved in murder of Vikas. The counsel for the petitioner further submits that it will take time for the trial to conclude. So prayer is made that the petitioner be released on regular bail.
4. The instant petition is contested by the State counsel, who submits that all the accused including the petitioner actively participated in murder of Vikas and the said occurrence was witnessed by complainant-Satinder. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 3 years and 5 months and during investigation, one steel pipe and belt was recovered at the instance of the petitioner. The State counsel has also not disputed that the petitioner was not named in the FIR and nominated as accused on

the basis of disclosure statement of co-accused Pushkar. The State counsel has further not disputed that while appearing in the witness box, complainant Satinder who witnessed the alleged occurrence has not supported the case of prosecution against the petitioner.

- 5. I have considered the submissions made by counsel for the parties.
- 6. In the given circumstances as the star witness Satinder has not supported the prosecution case against the petitioner while appearing in the witness box, no purpose is going to be served by prolonging the judicial custody of the petitioner.
- 7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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