

CRM-M No.57332 of 2023

. 2023:PHHC:154322

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

105

**CRM No.50269 of 2023 in/and  
CRM-M No.57332 of 2023  
Date of Decision: 04.12.2023**

**KULDEEP SINGH****.....Petitioner****Vs****STATE OF HARYANA****....Respondent****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Vishavjeet Gill, Advocate  
for the petitioner.

Mr. Viney Phogat, D.A.G., Haryana.

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**HARKESH MANUJA, J. (Oral)****CRM No.50269 of 2023**

Prayer made in this application under 482 Cr.P.C. is for preponement of date of hearing of the main case which has already been fixed for 19.01.2024.

Notice in the application.

On asking of the Court, Mr. Viney Phogat, D.A.G., Haryana accepts notice on behalf of the respondent/State.

Having heard learned counsel for the parties and gone through the contents of the application, the same is allowed. The date of hearing of the main case is preponed for today.

**CRM-M No.57332 of 2023**

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.108

**CRM-M No.57332 of 2023**

**. 2023:PHHC:154322**

dated 07.05.2023 registered under Sections 379-B, 365, 452, 506, 120-B IPC at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by co-accused Gaurav.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the serious nature of allegations leveled against the petitioner and co-accused.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the petitioner was never named in the FIR though was implicated on the basis of disclosure statement made by co-accused Gaurav and the evidentiary value of the said disclosure is yet to be determined at the stage of trial and the petitioner has already suffered incarceration for a period more than 05 months and investigation already stands concluded with the filing of challan. Moreover, with the intervention of respectable of the area, a settlement has already been arrived at between the petitioner and complainant-party besides his other alleged accomplices.

6. Considering the fact that the petitioner has already suffered incarceration for a period of more than 05 months and a settlement has been arrived at between the complainant-party and petitioner, I do not find any justification to extend the incarceration of the petitioner.

7.           Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

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|---------------------------|-------------------------|
| <b>December 04, 2023</b>  | <b>(HARKESH MANUJA)</b> |
| <i>Atik</i>               | <b>JUDGE</b>            |
| Whether speaking/reasoned | Yes/No                  |
| Whether reportable        | Yes/No                  |