

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236CRM-M-1979-2024
Date of Decision: 29.01.2024

Kavita @ Matko...Petitioner
State of Haryana... Respondent

Versus

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Pardeep Panwar, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.418 dated 20.11.2019 registered under Sections 302, 212, 120-B and 34 of IPC and Section 25 of Arms Act at Police Station Faridbad, N.I.T. Haryana.
2. Learned counsel for the petitioner contends that the FIR was initially registered against the unknown persons, who had fired shots at Subhash, since deceased. The petitioner was arrested in the present case on 23.11.2019 and is in custody for the last more than 04 years and 02 months. Learned counsel further contends that in the present case, only 07 witnesses out of 45 witnesses have been examined so far and the conclusion of the trial may take quite a long time. Learned counsel also placed reliance on the order dated

18.12.2023 (Annexure P-7) passed by this Court in CRM M-62272-2023, whereby, the similarly placed co-accused Jaidev @ Kuki has been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner was one of the main persons, who got Subhash killed through co-accused.

4. I have given the thoughtful consideration to the rival submissions made by the learned counsel for the parties.

5. No doubt, the allegations levelled by the complainant in the present case are very serious and the circumstances also point towards the involvement of the petitioner in the alleged crime; however, the petitioner cannot be confined in jail for an indefinite period. The petitioner is continuing in custody for the last more than 04 years and 02 months. Similarly placed co-accused Jaidev has also been granted the concession of bail by this Court and the case of the petitioner is at par with him. Apart from that, even co-accused Sunder and Bharat have also been ordered to be released on bail by this Court vide orders dated 21.12.2022 and 02.08.2023, respectively.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

29.01.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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