

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

CRM-M-7578-2024

Decided On: 05.03.2024

DEEPANSHU @ DEEPU

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpreet Jayia, Advocate with
Mr. Rahul Dhanda, Advocate
for the petitioner.

Mr. Rajesh Gaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.649 dated 02.09.2023 under Sections 120-B read with Section 34 IPC and Section 25 of Arms Act, 1959 (Sections 115 and 506 IPC added later on) registered at Police Station Kundli District Sonapat.
2. Learned counsel for the petitioner *inter alia* contends that petitioner has clean antecedents as it is a matter of record that he is not involved in any other criminal case much less a case of similar nature. Learned counsel for the petitioner further submits that the only role attributed to the petitioner is of having done a reiki of the shop of the complainant. He has further submitted that it is not even the case of the prosecution that the petitioner had provided any fire arm to the co-accused, who allegedly went to the shop of the complainant and threatened him of dire consequences. It has still further been submitted

that since the investigation in the case in hand is complete and even charges stand framed, his further incarceration would serve no useful purpose as there is no apprehension of the petitioner tampering with evidence or even trying to intimidate any of the witnesses; all the relevant witnesses in the case at hand are all official witnesses.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from Inspector Brahmprakash, has not disputed that the petitioner was not one of the four persons, who allegedly went to the shop of the complainant and threatened him with dire consequences. It is also not the case of the prosecution that the weapons of offence had been provided to the co-accused by the petitioner. Learned State counsel has, however, submitted that the petitioner was a conspirator to the crime in question and had done a reiki of the shop of the complainant.

4. On a pointed query put to the learned State counsel, on instructions, he has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case. Learned State counsel, on further instructions, has not disputed the stage of trial. It has been submitted that the next date of hearing before the trial Court is 07.03.2024, when the prosecution evidence is likely to commence.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 13.10.2023; challan stands presented and even charges stand framed. However, the trial is

unlikely to conclude in the near future as 25 prosecution witnesses have been cited and none of them has been examined till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.03.2024
Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No