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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13640-2024(O&M)

Date of Decision: 21.03.2024

Rahul

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.150 dated 08.06.2020, under Sections 148,149, 302, 201, 216, 420, 120-B IPC and 25 of Arms Act, registered at Police Station Kasola, District Rewari, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 08.06.2020 which is almost 3 years and 9 months and 32 witnesses have been examined and 14 witnesses have been given up and all the material witnesses have been examined in the present case. He submitted that it is a case where the FIR was lodged on the basis of a complaint wherein the allegations were that one Vaishali @ Vaishali Verma had called two persons namely, Amit and Govind Saini at a private place where both of them were shot and name of the petitioner does not at

all figures in the FIR and rather the name of the other co-accused were figured in the FIR by attributing specific role. He submitted that it was thereafter that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused namely, Vaishali @ Vaishali Verma. He submitted that the role attributable to the petitioner in the present case was that the aforesaid Vaishali @ Vaishali Verma who called the deceased persons was taken on motorcycle by the petitioner at the time when two persons had come and at the most his role was only to the extent of conspiracy but in fact the petitioner has been falsely implicated in the present case. He submitted that be that as it may, it is not a case of the prosecution itself that the aforesaid two persons were killed by the petitioner and he has already faced incarceration for 3 years and 9 months and all the material witnesses have been examined and therefore, the petitioner may be considered for the grant of regular bail. He submitted that although the petitioner was involved in two more cases but those cases pertain to only Section 323 IPC and one under the Prison Act.

4. On the other hand, Mr. Samarth Sagar, learned Additional Advocate General, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that 32 witnesses have been examined including all the material witnesses. He has however submitted that although as per the allegations, the role attributable to the petitioner was that he had brought Vaishali @ Vaishali Verma to a particular place where two persons were killed but the petitioner was an active conspirator as well and, therefore, the petitioner does not deserve the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner has already faced incarceration for 3 years and 9 months and it is not a case of the prosecution that two persons were killed by the petitioner but the alleged role of the petitioner was of conspiracy. All the material witnesses have already been examined, as per the learned counsel for the parties. Therefore, this Court is of the view that considering the long custody of the petitioner and the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.03.2024

shweta

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No