

[230] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15335-2023
Date of Decision : 09.01.2024

Anil Kumar ...Petitioner
versus
State of HaryanaRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Atul Lakhanpal, Senior Advocate with
Ms. Coral, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Sukhveer Singh Killianwali, Advocate
for the complainant.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.34 dated 01.03.2021 under Sections 302, 341, 506, 212, 120B and 201 of IPC read with Section 34 of IPC and Arms Act registered at Police Station Bhattu Kalan, District Fatehabad.

[2] As per prosecution allegations, on 01.03.2021, complainant along with his cousin Swatantar Singh was going in his car to meet his cousin Jitender @ Pinki (deceased). He noticed two persons riding a motorcycle, who started firing at Jitender @ Pinki (deceased). Jitender @ Pinki (deceased) tried to take shelter in the School but the assailants chased him and shot him dead.

[3] Status report by way of affidavit dated 05.01.2024 of Shri Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad, on behalf of the respondent-State as well as Custody Certificate dated 08.01.2024 have been filed in Court today. The same are taken on record.

[4] The role attributed to the petitioner, as stated by learned State Counsel, is to the effect that he had provided shelter to the assailants for a period of two months and later on, he also destroyed the CCTV footages.

[5] Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case and that co-accused Nitu @ Nitu Bajia has already been allowed bail by a Co-ordinate Bench of this Court vide order dated 14.12.2023 passed in CRM-M-38675-2023.

[6] It is a conceded case of the prosecution that the petitioner is not the assailant. The attribution to him is prima facie covered under Section 216 and 201 of the IPC, as he is admittedly not the assailant, though may be part of conspiracy.

[7] As per the custody certificate, the petitioner is in custody for the last 01 year 03 months and 17 days. It is also informed by learned counsel for the petitioner that out of 68 witnesses cited by the prosecution, only 04 have been examined so far and thus trial is likely to take a long time.

[8] Having regard to the above facts and circumstances and the fact that trial is likely to take long time to conclude and no purpose would be served by keeping the petitioner detained, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is

admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

09.01.2024
'Rajneesh'

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