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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19225-2024(O&M)

Date of Decision: 26.04.2024

Naveen @ Dhangewal

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Kapil Bansal, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third 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 Section 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 for 3 years, 6 months and 20 days and now all the material witnesses have been examined. He submitted that 32 out of 51 witnesses have been examined and even otherwise also, the allegations against the petitioner in the present case were pertaining to conspiracy only and it is not a case that the petitioner was involved in the incident of any killing. He submitted that even otherwise also, the petitioner on the date of incident was already in custody in some other case. He submitted that the

other co-accused namely, Rahul who is also accused in the present case on the basis of conspiracy has been extended the benefit of regular bail by this Court vide Annexure P-5 and the petitioner being on parity may be considered for grant of regular bail.

3. On the other hand, Mr. Kapil Bansal, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is not in dispute and it is also not in dispute that at the time of incident the petitioner was in custody and his role was with regard to conspiracy. He has however submitted that the allegations against the petitioners were serious in nature as it was because of his active conspiracy that the deceased was killed by the other co-accused. He also submitted that the petitioner is involved in 10 more cases and he is a habitual offender and therefore, he does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody for 3 years, 6 months and 20 days and 32 out of 51 witnesses have already been examined and 14 witnesses have been given up, as per learned State counsel. The petitioner is at parity with the co-accused namely, Rahul who has been granted regular bail by this Court on 21.03.2024 since as per both the learned counsel for the parties, the role of the petitioner was only to the extent of conspiracy because on the date of the incident the petitioner was already in custody in some other case. In view of the aforesaid facts and circumstances the mere fact that the petitioner is involved in other cases as well cannot become a ground for denial of bail to the petitioner.

6. In view of the aforesaid facts and circumstances, this Court

deems it fit and proper to grant regular bail to the petitioner.

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, if not required in any other case.

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.

26.04.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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