

237

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

CRM-M-20133-2024

Date of decision: 08.07.2024

Biresk Kumar @ Brijesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Nehra, Sr. Advocate, with
Mr. Gaurav Datta, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. This is a second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.214, dated 29.07.2021, under Sections 302, 201 IPC and Sections 27, 54, 59 of Arms Act (Sections 364 and 34 IPC and Section 3 of SC and ST Act 1989 added later on), at Police Station Kheripul, District Faridabad.

2. Counsel for the petitioner has submitted that petitioner is in custody for the last about 3 years and during investigation, no incriminating article was recovered by the police at his instance. The counsel for the petitioner has further contended that during trial, complainant Mannu Kumar, Shankar Ram father of the deceased and Rahul failed to support the case of prosecution. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude and co-accused Dheeraj is already given benefit of regular bail vide order dated 15.11.2022 (Annexure P-9) by this Court and in the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period.

3. The present petition is opposed by the State counsel who submits that Rishi was killed by present petitioner and his co-

accused as he was having love affair with daughter of the petitioner. It is further submitted that during investigation, one pistol and car used in commission of crime were recovered. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 2 years and 11 months and is having no criminal antecedents and that during trial, complainant and other material witnesses resiled from their previous statements.

4. I have considered the submissions made by counsel for the parties.

5. The custody of the petitioner comes out to be more than 2 years 11 months and during trial, material witnesses Mannu Kumar, Shankar Ram, Rahul and Sonu failed to support the case of prosecution and the copies of their statements are Annexure P-6 (collectively). Co-accused Dheeraj is already enlarged on bail by this Court vide order dated 15.11.2022. Further, it will take time for the trial to conclude. As such, no purpose is going to be served by prolonging the judicial custody of the petitioner.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.07.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**