



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 25466 of 2024 (O&M)
Date of Decision: 24.05.2024

Deepak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Kumar, Advocate,
Mr. Rahul Verma, Advocate and
Mr. Pankaj Bains, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.105, dated 31.03.2021, under Sections 25 & 27 of Arms Act, 1959 and Sections 120-B, 302, 34 & 506 of IPC (Section 201 of IPC added later on), registered at Police Station Asauda, District Jhajjar (Haryana), wherein he being specifically named in the FIR, has been implicated regarding the murder of one Amit, who happens to be the elder brother of the complainant-eye witness.

[2] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the petitioner was specifically named in the FIR and he was having direct motive on account of old rivalry with the deceased. He also points out that prayer made for grant of regular

bail at the instance of co-accused (Parvinder alias Cheema) already stands dismissed vide order dated 18.04.2024 passed in CRM-M-17812-2024 by this Court and similarly in case of another co-accused-Ravi @ Jangli, prayer for regular bail was withdrawn vide order dated 16.01.2024 passed in CRM-M-42772-2023 by this Court; thus, prayer is for dismissal of the present petition.

[3] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[4] In the present case, investigation stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars since 14.08.2021 i.e. for the past more than two years and nine months, however, so far, four of the prosecution witnesses (out of total 33) have been examined, thus, the conclusion of trial may take some time. Moreover, eye-witness / Sumit (PW-2), who happens to be the brother of deceased, has not even identified the petitioner and thus, he has turned hostile. Though, recovery of country-made pistol was effected from the petitioner during investigation, however, as per learned State Counsel, in the FSL report, no definite opinion could be formed with regard to the bullet, which was recovered from the body of deceased and the weapon recovered from the petitioner. Besides it, while declining the prayer made for grant of regular bail in case of co-accused-Parvinder @ Cheema vide order dated 18.04.2024 passed in CRM-M-17812-2024, one of the consideration weighed upon by this Court was his involvement in nine more cases; two FIRs relating to Section 302 IPC besides two were under Section 307 IPC,

whereas, on the contrary, the petitioner is stated to be not involved in any other case. In view thereof, this Court does not find justification to extend the incarceration of the petitioner any further.

[5] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 24, 2024
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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No