



CRM-M-29424-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29424-2024
Decided on : 03.07.2024

Kuldeep alias Kalwa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Pawan Kumar Hooda, Advocate
for the petitioner

Mr. Gaurav Bansal, DAG Haryana.

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 160 dated 10.05.2019 registered under Sections 307, 341, 34, 120-B IPC and Sections 25/27/54/59 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.

2. Learned counsel for the petitioner submits that it is alleged that four boys namely Kuldeep @ Kalwa (petitioner), Kuldeep @ Kabutar and one Sandeep alongwith one Kuldeep alias I.G. fired shots upon the complainant and his friend Ajay and during the investigation out of four, two persons namely Sandeep @ Parveen son of Ram Kumar and Kuldeep @ Kabutar son of Samunder were found innocent by the investigating agency. Learned counsel further submits that earlier the petitioner had been granted the concession of regular bail by the learned Addl.

Sessions Judge, Sonapat vide order dated 24.12.2021. He further submits that after

presentation of challan, charges were framed and during the trial proceedings the

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star witnesses of the present case i.e. the complainant injured Amarjit Singh, his friend Ajay and his mother Sunita turned hostile and did not identify the petitioner and the co-accused. Since all the material witnesses turned hostile, the petitioner was under the wrong impression that there was no need to appear before the trial Court and due to this mis-understanding the petitioner failed to appear before the trial Court and vide order dated 28.03.2022 his bail bonds and surety bonds were cancelled and forfeited to the State. He further submits that the petitioner is identically situated as co-accused Kuldeep @ I.G., Mohit @ Doctor and Sagar @ Kaiora, who have been granted regular bail by this Court vide order dated 30.09.2021 passed in CRM-M-28786-2021, order dated 22.12.2021 passed in CRM-M-44952-2021 and vide order dated 25.04.2022 passed in CRM-M-3343-2022 respectively. Thus, on the principle of parity the petitioner may also be granted regular bail.

3. Per contra learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that he actually participated in the commission of the alleged crime and is not entitled to the concession of bail.

4. Custody certificate dated 02.07.2024 has been filed in Court today and a perusal thereof shows that the petitioner has undergone actual custody of 02 years, 11 months and 10 days.

5. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the

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satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

03.07.2024

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**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No