

**CRM-M-37740-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.224****Case No. : CRM-M-37740-2024****Decided On : September 18, 2024**

Krishan

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Edward Augustine George, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.267 dated 01.08.2016, under Sections 307, 34, 120-B IPC, 1860 and Sections 25-54-59 of the Arms Act, registered at Police Station Butana, District Karnal (Annexure P-1).

2. As per the allegations, on 01.08.2016, SI Ranbir Singh and some other police officials were present on patrolling duty at Nilokheri, when information was received from Police Post Nilokheri that one Naresh Kumar was admitted in the hospital at Karnal with gun shot injury. The police reached there and recorded statement of Naresh Kumar. He made statement that earlier, he was doing the work of liquor contractor and at that time, Dilbag Singh was also doing the same work. Due to business rivalry, Dilbag Singh got him attacked through Krishan Kumar in order to kill him.



FIR under Section 307 IPC was lodged and his statement was recorded in that case. After getting bail, Krishan Kumar (petitioner) had been absconding in the said case for the last 1½ years. Thereafter, Dilbag Singh was murdered. His family members got him falsely implicated for the murder but he was acquitted in that case on 07.07.2015. On that day, Shubham son of Dilbag Singh gave threat in the Court that he would be killed when he would come across Krishan Kumar.

3. The aforesaid Naresh Kumar further stated that on 01.08.2016 at about 08:15 PM, he was going on his car bearing registration No.HR-99-ZETP-3457, from Nilokheri to his village. On the way, his neighbour was standing there who gave signal to stop and sat in his car. In the meanwhile, a white coloured Swift car came from behind and stopped in front of his car. Four boys were sitting in the car and on the conductor seat, Krishan Kumar was sitting. Thereafter, Krishan Kumar and other person sitting on the driver seat, having weapons in their hands, started running towards him and fired upon him with the intention to kill him, which hit on his left arm. At the same time, other two boys, who were sitting in the car, also started running towards him and fired upon him with the intention to kill him but he, along with Kuldeep, fled away from the spot towards their village. He was got admitted in the hospital.

4. During investigation, the petitioner, who was already in custody in some other case, made disclosure statement regarding his involvement in the present case.

5. Learned counsel for the petitioner submits that the petitioner is



in custody since 10.04.2021. Challan against the petitioner has already been presented before the Court. He further submits that the complainant and eye-witness Kuldeep had left India and shifted to abroad. Co-accused namely Devender Singh has already been granted bail. Completion of trial will take a long time. So, the petitioner be released on bail.

6. Custody Certificate of the petitioner has been placed on record by learned State counsel. Though he has fairly admitted that the petitioner is in custody since 26.04.2021 but has strongly opposed the bail petition by submitting that as per Custody Certificate, the petitioner is involved in many other cases. In some of the cases, he has been convicted also. So, keeping in view involvement of the petitioner in many criminal cases, he does not deserve concession of bail.

7. I have heard the rival submissions of learned counsel for the parties and have gone through the record of the case.

8. Challan in the case in hand has already been presented. Charge has been framed and prosecution witnesses are being examined but the complainant as well as eye-witness are not served as summons are being received with the report that they had left the country. It is also so mentioned in the interim order dated 23.01.2024, passed by learned Additional Sessions Judge, Karnal.

9. The complainant and eye-witness, who are main witnesses, are not coming forward to depose in the case. The petitioner is in custody in this case for the last 03 years 04 months and 23 days, as on today. The completion of trial will take a long time. Culpability of the petitioner would



be decided during trial of the case. Although the petitioner is involved in many other cases, but that is not a ground to decline concession of bail to the petitioner in the present case.

10. In view of the aforesaid facts and circumstances of the case, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for a long time.

11. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

1. The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.

2. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.

3. The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.

4. The petitioner shall appear before the Trial Court on each and every date of hearing.

12. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of

to the petitioner.

13. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

14. Pending applications, if any, shall stand disposed of along with the present petition.

September 18, 2024

monika

(GURBIR SINGH)
JUDGE

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