

**CRM-M-41934-2023****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.201****CRM-M-41934-2023****Date of decision: 31.05.2024**

Deepak Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.D. Sehra, Advocate, for the petitioner.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.468 dated 15.09.2020 registered under Sections 346, 464, 302, 420, 201, 34, 419, 467, 471 and 120-B IPC at Police Station Surajkund, District Faridabad.
2. The petitioner alongwith his co-accused is being prosecuted for the murder of Gurbachan Singh.
3. Learned counsel for the petitioner submits that the prosecution has falsely implicated the petitioner; the petitioner has no other criminal antecedents; the petitioner is in custody since 17.11.2020; all material witnesses including the complainant stand examined in the petitioner's trial; neither the complainant nor any other material witness who has been produced in the petitioner's trial have identified the petitioner; the only



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evidence which has come against the petitioner is the statement of PW-3 Dev Bhardwaj who states that co-accused Bharat made an extra-judicial confession before PW-3 Dev Bhardwaj that Bharat and the petitioner were involved in Gurbachan Singh's murder which piece of evidence is *per se* inadmissible qua the petitioner and since in the petitioner's trial 23 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

4. Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused murdered Gurbachan Singh to usurp his property.

5. The petitioner is in custody since 17.11.2020; the petitioner has no other criminal antecedents; all material prosecution witnesses already stand examined and that since in the petitioner's trial 23 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

6. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the concerned CJM/Duty Magistrate, who shall insist upon two heavy local sureties, the petitioner is directed to be released on bail.

7. It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides as also with the SHO, P.S. Surajkund, Faridabad; he shall

physically visit and mark his attendance on 1st of each month in the police station Surajkund, Faridabad and that he shall also not leave the jurisdiction of the police station where he normally resides without the prior permission of the SHO of such police station. The SHO of the police station where the petitioner normally resides as also the SHO P.S. Surajkund, Faridabad, are further directed to maintain a record with regard to the above and after every six months forward a copy of the same to their respective Superintendents of Police, for information.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 31, 2024

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(DEEPAK SIBAL)

JUDGE

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