

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-45718 of 2023
Date of Decision: 15.02.2024

Harneep @ Nipu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Majithia, Advocate and
Mr. Shivdeep, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Ankit Kamboj, Advocate, for
Mr. Munish Mittal, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
94	19.07.2000	Panjokhra, District Ambala	302, 120-B, IPC and 25-29-54-59 of Arms Act

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Ramesh Kumar, wherein it is alleged that on 19.07.2020 at about 10.30 am when he was cutting grass in his fields, then at around the same time, Deepak son of his ‘tau’ (uncle) was also present in the adjoining fields and was cutting grass and they had a short conversation. After a short while, Deepak moved from his fields while carrying a bundle of grass on his head whereas he continued working in his fields. It is alleged that at about 10.45 am when Deepak reached near the house of Iqbal, he saw a young man wearing black clothes in the street and who came near Deepak and at that time the complainant heard the sound of

gunfire and thereafter the said boy fled away from the spot. When the complainant reached at the spot, Deepak was found lying unconscious. Although, he was taken to hospital, but he was declared dead. The complainant alleged that Deepak was having some enmity with Atul and that he strongly believed that Atul along with his friends namely Vikas, Harneep Kumar @ Neepu, Manish, Krishan and Rajesh had hatched a conspiracy with some unknown persons so as to eliminate Deepak.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that he was never identified to be the person who had fired at the deceased and came to be named as an accused only on the basis of suspicion of the complainant who stated that he strongly believed that the petitioner and some of his friends were having some kind of enmity with the deceased.
4. Learned counsel for the petitioner further submits that the petitioner till date has been behind bars since the last 3 years and 6 months and has a clean record and since the trial has not made any headway, he deserves the concession of bail particularly when several other co-accused including Vikas, Atul and Krishan had already been granted regular bail.
5. Opposing the petition, learned State counsel submitted that the petitioner is the main accused from whom country-made pistol was also recovered establishing the complicity of the petitioner, therefore, he does not deserve the concession of bail. It has further been submitted that the petitioner was involved in one more case, though later he was acquitted in the said case. Learned State counsel informed that as on date, 04 out of 23 cited prosecution witnesses have been examined and that the petitioner as on date has been behind bars since the last about 3 years, 6 months and 21 days.

- 6. This Court has considered the rival submissions made by learned counsel for the parties.
- 7. It is not in dispute that the petitioner had been nominated in the FIR on the basis of suspicion and was not actually identified at the spot and he is not involved in other case.
- 8. Without commenting anything as regards the merits of the case and the petitioner has a clean record and has been behind bars for the last about 3 years, 6 months and 21 days, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.02.2024
D.Bansal

(GURVINDER SINGH GILL)
JUDGE

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