

S. No.230

2024:PHHC:008572

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Date of Decision:23.01.2024

1.

CRM-M-46991 of 2023

Prince

Vs.

State of Haryana

.....Petitioner

.....Respondent
2.

CRM-M-63712 of 2023

Jitender @ Appeal

Vs.

State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Charanjit Singh, Advocate for Mr. Siddharth Pandit,
Advocate for the petitioner in CRM-M-46991 of 2023.

Mr. R.S. Malik, Advocate for the petitioner in
CRM-M-63712 of 2023.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

The two petitioners, Prince and Jitender @ Appeal, by way of these two petitions filed under Section 439 Cr.P.C. prayed for their release on regular bail in case FIR No.414 dated 11.11.2022 registered under Sections 148, 149, 307, 302, 216, 201, 120-B IPC and Section 25 (Act No.54 of 1959) of Arms Act at Police Station Baroda, District Sonipat.

FIR was lodged on the statement of Rahul, son of Dalbir (deceased).

The incident is of 10.11.2022 wherein it is alleged that Bholu, Amit etc., accompanied by various other persons fired bullets at Dalbir, killing him on the spot. The name of none of the petitioners, i.e. Prince and Jitender @ Appeal have been mentioned amongst the assailants. Further prosecution case is

that it is on 16.11.2022 i.e. six days after the incident that complainant – Rahul made a supplementary statement alleging that both the petitioners were also part of conspiracy.

Learned counsel contends that petitioners have nothing to do with the crime; that they have been introduced after six days of the occurrence; that there is no attribution that they were present at the spot or had taken any active participation in the crime and that their role is alleged to be confined to the conspiracy only.

Learned State Counsel could not refute the afore-said contentions to the effect that the only role attributed to the petitioners is that of conspiracy, which too surfaced in the supplementary statement of the complainant made after six days of the occurrence.

As per the custody certificates placed on record, the two petitioners are in custody for the last 01 year 02 months and 01 days.

Having regard to all the afore-said facts and circumstances and particularly the role attributed to the petitioners, but without commenting anything on the merits of the case, both the petitions are allowed. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 23, 2024
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(DEEPAK GUPTA)
JUDGE

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