

VIJAY KUMAR @ RAHUL

Versus

STATE OF HARYANA

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Singh Jattan, Advocate and
Mr. Ramandeep Singh, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 423 dated 24.11.2018 registered under Sections 396, 302, 307 & 120-B of IPC and Sections 25, 54 & 59 of Arms Act, 1959 at P.S. Ambala City, District Ambala wherein, the petitioner has been implicated on the basis of disclosure statement made by co-accused namely Lovepreet Singh against having provided weapons and shooters for the incident in question.
2. Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by accused Lovepreet Singh for having provided the shooters and weapons. Learned counsel further points out that the petitioner is already behind the bars for a period of more than 1 year and 8 months besides the investigation already stands concluded with the filing of challan followed by framing of charges and the trial is likely to take some time in its culmination.
3. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who is stated to be involved in two more cases; one relating to Sections 323 and 354 of IPC and other one registered under the Arms Act.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner is behind the bars for a period of almost 1 year and 8 months by now and the trial is likely to take some time. Moreover, the petitioner was implicated on the basis of disclosure statement made by co-accused namely Lovepreet Singh and in response to a pointed query, learned State counsel has not been able to put forth any prima facie evidence as regards call details between the petitioner and the other co-accused on or around the date of alleged incident. Besides it, no threat perception to the eye-witness has been expressed by Investigating Agency. As regards two other cases registered against the petitioner; he already stands acquitted in the case relating to Sections 323 & 354 of IPC and besides, being on regular bail pertaining to the case under the Arms Act. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 satisfaction of the concerned learned trial Court/Duty Magistrate.

06.03.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No