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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-65459 of 2023

Date of decision:- 24.01.2024

SUNDER @ KALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Anshuman Dalal, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 23.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case :-

FIR No.	Dated	Sections	Police Station
267	03.10.2020	342, 379-B, 395, 458, 201 IPC and 25 of Arms Act.	Nangal Chaudhary, District Narnaul

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was arrested in the present case on 14.05.2023 through production warrants. He submits that petitioner was arrested on the disclosure statement dated 05.08.2021 (Annexure P-2) made by co-accused Sandeep @ Shillu and the only role attributed to the petitioner is that he has given a pistol to Sandeep @ Shilu-co-accused. He submits that as regard other cases pending against the petitioner, as per custody certificate, petitioner is acquitted in 5 cases and in other cases he is on bail. He submits that challan has already been presented in Court and prosecution has cited 25 witness, as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail. However, he has not controverted the factual matrix of the case.

5. After considering the rival contentions and perusing the record, it transpires that petitioner was nominated on the disclosure statement made by the Co-accused Sandeep @ Shilu and arrested in the present case on 14.05.2023 on production warrants. As regards the other cases pending against the petitioner, in 5 cases petitioner has been acquitted and in other cases he is on bail. Challan has already been presented in the case and prosecution has cited 25 witnesses. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it

is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No