

245 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-320-2025

Date of Decision: 21.02.2025

Kanwal Singh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

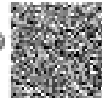
Mr. Abhimanyu Singh, Advocate with
Mr. Vikrant Rana, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.104 dated 11.03.2016 registered under Sections 25 & 54 of Arms Act, 1959 and Sections 120-B, 148, 149, 186, 302, 307, 333, 353 of IPC, 1860, at Police Station Gannaur, District Sonipat.

2. While issuing notice of motion on 24.01.2025, this Court had noticed the following contentions:-

“Learned Senior Counsel appearing for the petitioner submits that the petitioner was named in the FIR for hatching a conspiracy. However, the matter was thoroughly investigated at the highest level, in fact, by constituting Special Investigation Team (SIT) also. Furthermore, the petitioner was found innocent by five authorities, including Inspector Sandeep, who was in-charge of the



SIT. The matter was investigated by the Deputy Superintendent of Police, who found the petitioner innocent. Thereafter, the matter was dwelled upon by DSP Crime Branch, Madhuban and DSP Mahavir Singh of the State Crime Branch confirmed the petitioner's innocence.

Learned counsel for the petitioner emphasized that not only the investigation report was favourable, but the application under Section 193 of Cr.P.C. filed by the complainant was also dismissed. Another issue highlighted by learned Senior Counsel for the petitioner is that an application under Section 319 Cr.P.C. was initially filed against petitioner alongwith, ASI Bhagat Singh and Ravinder (brother of Inspector Sandeep), but the prosecution, without recording any reason, withdrew the said application only qua ASI Bhagat Singh without any cogent reason.

Learned Senior Counsel for the petitioner contends that there is no denial of the fact that the summoning order was challenged and has been dismissed, and he also exhausted his right to seek the grant of anticipatory bail up to the Apex Court and subsequently surrendered on 28.10.2024 and has been in custody since then. Learned counsel further submits that the main accused, who were apprehended from the spot and the weapon was recovered, namely Rupinder and Gaurav, have also been granted the concession of regular bail by this Court and hence, prays for the grant of regular bail to the petitioner.”

3. Learned counsel for the petitioner has reiterated the submissions made earlier and submits that the petitioner is in custody since 28.10.2024 and is ready to face the trial before the trial Court.
4. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by



learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, it is not in dispute that during the course of investigation, the petitioner was found to be innocent and has been summoned under Section 319 Cr.P.C. Even, there are various reports prepared by SIT, which exonerated him of the charge. Now, at this stage, certain prosecution witnesses have been examined and the petitioner has been summoned to face the trial. The prosecution is yet to lead the evidence before the trial Court with regard to the complicity in the commission of crime.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

21.02.2025
hemlata

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